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FRANKLIN COUNTY PLANNING AND ZONING
BOARD OF ZONING ADJUSTMENT
FRANKLIN COUNTY GOVERNMENT CENTER
SECOND FLOOR COMMISSION CHAMBERS
400 EAST LOCUST STREET
UNION, MISSOURI 63084

TRANSCRIPT OF PROCEEDINGS
PUBLIC MEETING
NOVEMBER 29, 2016
[Commencing at 7:00 p.m.]

Reported by:
Patsy A. Hertweck, C. R.
Midwest Litigation Services

	I N D E X	
	PROCEEDINGS	PAGE
1		
2		
3	Call to Order and Roll Call	5
4	Election of Chairman Pro Tem	5
5	Hearing Procedures by Ms. Zielke	6
6	Approval of Minutes	7
7	[From October 3, 2016]	
8	New Business:	
9	File No. 160219 - Carl Richard Zerna, Jr.:	
10	Presentation by Ms. Zielke	7
11	Presentation by Applicant	11
12	Discussion	15
13	Vote	29
14	Adjournment	32
15	Certificate of Reporter	33
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1
2
3
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12
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24
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E X H I B I T S

IDENTIFICATION	DESCRIPTION	PAGE
COUNTY:		
EXHIBIT A	Franklin County Unified Land Use Regulations of 2001	7
EXHIBIT B	Official Zoning Map	7
EXHIBIT C	Official Master Plan	7
EXHIBIT D	Case Files -- all Cases Heard	7

[All exhibits, if any, were retained by the Commission, and will not be attached hereto.]

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A P P E A R A N C E S

BOARD OF ADJUSTMENT MEMBERS:

- Carl Ridder, Chairman Pro Tem
- Derek Schriewer, Member
- Justin Head, Member
- Steve Hoff, Member
- Tim Tobben, Member

PLANNING AND ZONING STAFF:

- Ms. Nichole Zielke, Administrative Assistant
- Mr. Tori Karim, Enforcement Officer

MIDWEST LITIGATION SERVICES:

By: Patsy A. Hertweck, C. R.
711 North Eleventh Street
St. Louis, Missouri 63101
[314] 644-2191

1 P R O C E E D I N G S

2 [NOVEMBER 29, 2016]

3 MS. ZIELKE: I'd like to start the
4 meeting tonight by first calling roll; after which, in light
5 of the fact that we do not have a chairman or a vice chair,
6 then I recommend that the Board discuss and make a motion to
7 appoint a chairman pro tem.

8 So to start the roll Gordon Upchurch?

9 CHAIRMAN UPCHURCH: [Not present.]

10 MS. ZIELKE: Fred Thatcher?

11 MEMBER THATCHER: [Not present.]

12 MS. ZIELKE: Carl Ridder?

13 MEMBER RIDDER: Here.

14 MS. ZIELKE: Derek Schriewer?

15 MEMBER SCHRIEWER: Here.

16 MS. ZIELKE: Justin Head?

17 MEMBER HEAD: Here.

18 MS. ZIELKE: Tim Tobben?

19 MEMBER TOBBEN: Here.

20 MS. ZIELKE: And, Steve Hoff?

21 MEMBER HOFF: Here.

22 MS. ZIELKE: We have a quorum.

23 Would the Board members like to discuss to who
24 they'd like to appoint as the pro tem?

25 MEMBER HEAD: I'll make a motion we

1 appoint Carl Ridder chairman pro tem for tonight's meeting.

2 MEMBER HOFF: Second.

3 MS. ZIELKE: We have a motion and a
4 second. Everyone in favor.

5 MEMBER SCHRIEWER: Aye.

6 MEMBER HEAD: Aye.

7 MEMBER HOFF: Aye.

8 MEMBER TOBBEN: Aye.

9 CHAIRMAN PRO TEM RIDDER: Those in
10 opposition? [None]

11 Carl Ridder is appointed as the chairman pro
12 tem.

13 CHAIRMAN PRO TEM RIDDER: Thank you.

14 I don't have a choice, I guess. I'm sorry that
15 our chairman and vice chair could not be here tonight, but
16 we have a full five member Board here, and we have hope to
17 have a fair meeting.

18 We welcome you all. Before we get started, if
19 you have one of these cell phone things that's on, we'd like
20 for you to turn it off, or at least put it vibrate. If you
21 take a phone call, we'd like for you to step out in the
22 hall.

23 The roll has been called. The prior -- minutes
24 of the prior meeting have been distributed. And we've had a
25 chance to review those. Do I hear a motion to approve?

1 MEMBER SCHRIEWER: Motion to approve.

2 CHAIRMAN PRO TEM RIDDER: Is there a
3 second?

4 MEMBER TOBBEN: Second.

5 CHAIRMAN PRO TEM RIDDER: Thank you.

6 All in favor say aye.

7 MEMBER SCHRIEWER: Aye.

8 MEMBER HEAD: Aye.

9 CHAIRMAN PRO TEM RIDDER: Aye.

10 MEMBER HOFF: Aye.

11 MEMBER TOBBEN: Aye.

12 MS. ZIELKE: Carl?

13 CHAIRMAN PRO TEM RIDDER: Yes.

14 MS. ZIELKE: I'd be happy to read the
15 hearing procedures if you'd like.

16 CHAIRMAN PRO TEM RIDDER: Okay.

17 MS. ZIELKE: Tonight's Board of
18 Zoning Adjustment hearing is governed by the Franklin County
19 Unified Land Use Regulations of 2001.

20 At this time, I would like to place into the
21 record these Regulations as Exhibit A, the official Zoning
22 Map as Exhibit B, the official Master Plan as Exhibit C, and
23 the case file for each case as Exhibit D for all of the
24 cases to be heard at this hearing.

25 [Thereupon, evidence was marked for

1 identification and presented for the
2 record as Exhibits A, B, C, and D.]

3 The Board of Zoning Adjustment will address
4 each case as they are listed on the agenda. As each case is
5 opened for a hearing, a staff report will first be read to
6 the Board, followed by any questions for the staff.

7 Then if anyone in the audience would like to
8 speak or comment during this public hearing, they must first
9 print their name on the sign-in sheet provided, then be
10 sworn in by the Chairman. When it is your turn to speak,
11 you will come to the front of the room to address the Board
12 and only the Board, not anyone in the audience, with any
13 questions or comments.

14 At the conclusion of all questions, comments,
15 and discussion concerning each case, the public hearing for
16 that case will conclude and the Board of Zoning Adjustment
17 will proceed with a decision. Any decision by the Board may
18 be appealed. If anyone desires to appeal a decision made by
19 the Board of Zoning Adjustment, they need to submit it to
20 Circuit Court.

21 Thank you.

22 CHAIRMAN PRO TEM RIDDER: Thank you.

23 The agenda tonight we have no Old Business.

24 We'll start with the New Business then. And
25 this is File Number 160219, Carl Richard Zerna.

1 And, Nichole, would you read the staff report,
2 please.

3 MS. ZIELKE: Sure.

4 The Applicant is appealing the decision of the
5 Planning and Zoning Commission to revoke his Conditional Use
6 Permit, Number 100114.

7 The property is located at the southwest corner
8 of Old Highway 100 and Northridge Drive in Boles Township.

9 Facts: Mr. Zerna received a Conditional Use
10 Permit on July 20, 2010 with 13 conditions listed. Planning
11 and Zoning inspected the property for yearly compliance, and
12 on December 9, 2015, upon site visit, it was determined Mr.
13 Zerna has not completed or was not complying with the
14 following conditions:

15 A. Applicant must have all the necessary
16 licenses, permits and certificates required to
17 do business in the county and state;

18 B. Any cars not for sale will need to be
19 behind a sight-proof fence prior to the
20 issuance of the CUP.

21 When Mr. Karim visited the property, there were
22 multiple vehicles on the lot that did not have any paperwork
23 as being for sale, as shown in the pictures provided.

24 Mr. Karim also noticed a large collection of
25 vehicles toward the back of the property behind some trees

1 but still visible from Highway 100, as shown in the pictures
2 provided.

3 The Planning Department did research to find if
4 Mr. Zerna had a dealer's license for this address, and could
5 not find any record of one.

6 Mr. Zerna's first hearing was on January 19,
7 2016 where the Planning and Zoning Commissioner gave Mr.
8 Zerna until June to rectify all violations on the property
9 and to meet his conditions.

10 The next hearing for Mr. Zerna was on July 19,
11 2016 where Mr. Zerna provided no evidence of him completing
12 any conditions, nor did he correct the violations on the
13 property.

14 On July 19, 2016, the Planning and Zoning
15 Commission voted unanimously to revoke Mr. Zerna's
16 Conditional Use Permit, being File 100114.

17 Staff Comments: Mr. Zerna claims there was no
18 mention of statute of limitation on the Conditional Use
19 Permit. Article 4, Section 90 explains that Conditional Use
20 Permits may expire automatically after one year after the
21 issuance for three reasons. Nothing needs to be listed on
22 the permit pertaining to expiration because it is a part of
23 the Unified Land Use Regulations.

24 Mr. Zerna claims that there have been sales
25 lots come through since his file in 2010 that do not have

1 the requirement of a sight-proof fence, paved lot or vehicle
2 limit. Attached is a spreadsheet showing all auto sales, as
3 well as auto repair businesses, that have come through for a
4 Conditional Use Permit since July 20, 2010 showing the
5 requirements for fencing, vehicle limits and lot
6 requirements.

7 The Board of Zoning Adjustment has the ability
8 to reverse, affirm, or modify the order, requirement,
9 decision or determination appealed from. In order to
10 reverse or modify, the Board must have a 4/5 vote.

11 CHAIRMAN PRO TEM RIDDER: Thank you.

12 Is there someone here to speak in behalf of the
13 Applicant? Would you step up.

14 MR. CARL ZERNA: Yes, I will.

15 CHAIRMAN PRO TEM RIDDER: Sign in and
16 swear in, please.

17 [Thereupon, the witness was sworn.]

18 MR. ZERNA: My name is Carl Richard
19 Zerna, Jr. My name is Carl Richard Zerna, Jr. Number 5
20 Brinley Lane, Villa Ridge, Missouri 63089.

21 CHAIRMAN PRO TEM RIDDER: Go ahead.

22 MR. ZERNA: The only thing I'd like
23 to mention is my parcel is Number 52. If you would look to
24 the left on 54.1, two lots over, that was a car lot for many
25 years. And they had -- that's the exact one right there,

1 54.1. No laws or anything that they pushed on me was on
2 this lot there, and that was a car lot.

3 If you would rotate to your right, I would
4 appreciate it. Please pass up my lot. Just a little bit
5 farther. Go up to farther to the right and follow the
6 highway in --

7 MS. ZIELKE: Tori. I'm sorry.
8 Excuse me, Mr. Zerna. Only a snapshot of the map has been
9 included as part of the record. So he's not going to be
10 able to just scroll down the highway because it's not
11 included in the file.

12 MR. ZERNA: Oh, okay. Well, I'm --
13 I'm close. I'm close. I mean, I don't know where you're
14 going with that, but I'm just close to where I'm at. I want
15 to go to the Scanlan property. And the arrow, I want to say
16 is, now go straight up towards the interstate. No. Come
17 back a little bit on our side. You're going too fast for
18 me, sir. It's probably that piece right there, to be honest
19 with you.

20 That was also a car lot. Yeah, that's it
21 because I can see Gary's fence. The 406 is what I can see.
22 That was also a car lot, and there was no commercial
23 entrance, no nothing. That privacy fence had to do with
24 Gary's Auto Repair. I just wanted to bring those two pieces
25 out only because they're so close to where I am at.

1 All the lots that I also mentioned that did not
2 come into effect on my rules that -- with the privacy fence,
3 so many square feet, are all within five miles of me, not
4 counting these two.

5 If you go across from Wayside Liquor, there was
6 Crazy Kev's Auto Sales, also Hammock Auto Sales. If you go
7 over to Bert's Auto Sales, which is really close to Tri
8 County Restaurant, not far from -- and I'm trying to think
9 of the name of the cemetery where my son is buried at. It's
10 very close to there. That's one, another car lot.

11 The car lots also at -- close to where Car
12 Quest was at, and they also have -- it's called The Shop,
13 and I don't know what the name of their place is called as
14 far as a car dealer. Those are four of them that are close
15 that have no jurisdiction or they don't have the rules that
16 I have as far as having 200 square feet of either asphalt or
17 concrete. That's my biggest complaint right there.

18 I am required to have a sight-proof privacy
19 fence. None of those places have a sight-proof privacy
20 fence. None of them. And that's all since 2013 when I
21 finally got my front entrance approved, and that took three
22 times.

23 The State of Missouri argued with Franklin
24 County all three times. I only did it once, but the State
25 of Missouri said that Franklin County was wrong. I have

1 verification of all of this, and I was always put on hold.

2 I'm really disappointed in our government.

3 I bought 27 acres in 2001. I was told in 1987
4 when I started the car lot in front of the meat company
5 that, if I would have been on this piece of property, I
6 would have never had this problem.

7 I bought it in '01. I've had nothing but
8 problems. My mother is so dead against me suing. I've been
9 tormented over and over. I'm not picking on anybody, but
10 I'm telling you straightforward. I'm not doing nothing
11 wrong.

12 I've been in business for 30 years. I have an
13 excellent representation with the Better Business Bureau.
14 I've raised five children in this county. I've done
15 everything it took to be a good person, a good individual,
16 and I just wish that someone would see that because out of
17 the 27 acres, I just want to have one small portion. I
18 don't want any limitation on cars. No one else was given a
19 limitation, whether it's John McIntire at Performance Auto
20 Sales or The Shop, the other ones I mentioned before.

21 I don't want to get sentimental. I have a sick
22 son at home. If you want to say something or however it
23 works I don't know, but my next step is only what you allow
24 me to have. I am not a bad person.

25 And last week I had a bunch of people that were

1 going to show up, but I had a couple that couldn't show up,
2 and you moved it a week away, and it caused me a lot of
3 grief on having people come here.

4 I have 27 acres on this piece of property.
5 There is no limitations on all the other ones around me,
6 none. If you want to look in the facts, please look at the
7 stuff that we talked about on the earlier meetings. I would
8 appropriate it. No disrespect to anybody, but I bought
9 this, and I'm willing to fight for it.

10 If you have any more questions, please ask me.

11 CHAIRMAN PRO TEM RIDDER: Any
12 questions for Mr. Zerna?

13 MEMBER SCHRIEWER: I do have one
14 question

15 MR. ZERNA: Yes, sir. Yes, sir.

16 MEMBER SCHRIEWER: What have you done
17 since July 19th to attempt to comply with the CUP
18 conditionals?

19 MR. ZERNA: I put in one privacy
20 fence, only one. And on the lot there, ell, you see the
21 last row of cars -- well, darn you're moving it --
22 somebody's moving it. Straight back I have a line of cars
23 back there. You got to -- no, you got to keep coming back
24 farther. Who's got the little arrow?

25 MR. KARIM: I do.

1 MR. ZERNA: Oh. Can you it move
2 back, Tori, to that other back side of cars?

3 MR. KARIM: This side?

4 MR. ZERNA: No. Come straight up.
5 I'm sorry. I'm used to my property, so I know what the back
6 is. Please go down. Keep going down. Now cut to my right.
7 Right -- stop there. Right along there, I have about a 60-
8 or 70-foot fence that I put up in order to block the cars
9 that were not for sale. And it kind of runs on a little bit
10 of an uphill angle, but this is a 60- to 70-foot fence. It
11 might be a little bit longer than that, and that's the
12 answer to your question, Mr. Schriewer.

13 CHAIRMAN PRO TEM RIDDER: Any other
14 questions?

15 MEMBER HEAD: Just real fast. So the
16 privacy fence that you spoke about it's only required to
17 block cars that are not for sale, right?

18 MR. ZERNA: Yes, sir, that is
19 correct.

20 MEMBER HEAD: Because the CUP didn't
21 have any restrictions on the cars that were actually for
22 sale along the highway, right?

23 MR. ZERNA: [No audible response.]

24 MEMBER HEAD: As long as a car was
25 for sale, it didn't have to be blocked off from Highway 100;

1 is that accurate? I just want to make sure that I have all
2 this straight.

3 MR. ZERNA: Well, if the cars are
4 available for sale, I could have them in front of the fence.
5 But now I want to restate where I'm coming from, why I paid
6 the \$750 to have this appeal. No one else does, and we can
7 go tomorrow and look at the lots.

8 MEMBER HEAD: But are the -- I guess
9 the vehicles that are parked there now, if there are any,
10 are all of those vehicles that are not blocked are they all
11 for sale?

12 MR. ZERNA: The ones that are not
13 blocked, most of them are repossessions. I mean, that's a
14 correct answer, but I mean...

15 MEMBER HEAD: Sure. As far as the
16 pavement -- or the asphaltting issue, it's my understanding
17 that wasn't due until sometime in 2017?

18 MR. ZERNA: But the -- but the
19 problem that I had is in 2013, when they finally gave me the
20 final approval on my new -- my front entrance, which the two
21 people on both sides of me didn't have to have. That's why
22 I mentioned those two pieces of property. I spent a lot of
23 money to get that, and I made it superwide. So I was way
24 over the limitations, and I still fought with Franklin
25 County, and the State of Missouri, which I have the people's

1 names and numbers at home, said I don't know what they're
2 complaining about. I fought with Franklin County right
3 then.

4 No one else has to do the -- the pavement.
5 I -- I don't understand why I'm singled out. And that's
6 exactly what I'm saying. I'm being singled out, and I can
7 take great time and go through it. I mean, there's nobody
8 that has the set of rules that I have, nobody. That's my --
9 that's my beef with this whole situation.

10 MEMBER HEAD: And I understand your
11 complaint. I do. I'm just -- I'm trying to keep -- keep it
12 limited to what I'm reading on the sheet just so I have in
13 my head --

14 MR. ZERNA: Absolutely. And the only
15 reason I paid the \$750 for this appeal was that's what the
16 attorney told me I had to do for you to -- not necessarily
17 you, but for the people to deciding to understand where I'm
18 coming from. Before no one would answer my question out of
19 12 people. No one would say why no one else had to do
20 these -- these rules. I mean, there is no privacy fence
21 anywhere.

22 MEMBER HEAD: And I don't mean to cut
23 you off --

24 MR. ZERNA: That's fine.

25 MEMBER HEAD: -- because I know that

1 you're in hurry too. Or you're in a hurry.

2 MR. ZERNA: Well, only for one
3 reason, but yes.

4 MEMBER HEAD: Sure. But the other
5 thing I was interested in is since the meeting in July, has
6 there been any construction or any requests for building
7 permits for that property?

8 MR. ZERNA: Let's see since July?
9 No, since -- don't hold me to the ground on this one here,
10 but ever since the last meeting, I was so despondent and
11 upset because I would not get an answer from anyone why no
12 one else has that asphalt or limitation of cars and a
13 privacy fence. And it was a sight-proof privacy fence. My
14 is actually up behind about 50 or 60 feet of trees, of which
15 I did knock down some of them, and that's what caused the
16 problem with that, which is my fault. And then I put up the
17 privacy fence, which if you look from the highway, you
18 can -- if you can see through the trees, I did what I said I
19 was going to do on the privacy fence.

20 MEMBER HEAD: Thank you.

21 MR. ZERNA: And that was my fault.

22 And you're welcome, sir.

23 CHAIRMAN PRO TEM RIDDER: Any other
24 questions for the Board.

25 MEMBER TOBBEN: I yes, I have one.

1 Just and what Nichole had read, "The Applicant must have all
2 the necessary licenses, permits and certificates required to
3 do business in the county and state."

4 What --

5 MS. ZIELKE: Was there a question for
6 me?

7 MR. ZERNA: No -- well, okay.

8 MEMBER TOBEN: I guess, were there
9 other -- obviously you have this issue tonight, but do you
10 have your dealer's license and --

11 MS. ZIELKE: He's asking you.

12 MR. ZERNA: No, okay. I wanted to
13 make sure. I didn't want to interrupt you.

14 The State of Missouri won't allow me to have a
15 dealer's license at that location until I have a building.
16 I was not allowed to put a building on because of the
17 confrontation that we were having at this point. So it's
18 the chicken before the egg, and the egg before the chicken
19 situation. It's the exact same thing. I am legally bound
20 since 1987 where I am at right now. I've been there ever
21 since. I'm about a half mile up the street on the opposite
22 set. I want to move this -- that lot to the current
23 location, but I need a building, and they would not give me
24 the building permit.

25 I don't know how to answer it any better than

1 that, but once I get a -- even if I put in a trailer for
2 right now, once I get a trailer, I'm able to have the State
3 of Missouri allow me to do that. I am well aware of that
4 part of it. It's Franklin County that would hold me up at
5 that point. As long as Franklin County allows me, then I
6 can move my license from that -- the existing 2229 Highway
7 100 to the new location, of which there is no address at
8 this present time, sir.

9 MEMBER TOBBEN: Are there any
10 other -- any other permits or licenses that you --

11 MR. ZERNA: I don't need any other
12 ones.

13 MEMBER TOBBEN: Okay. That's all I
14 have.

15 CHAIRMAN PRO TEM RIDDER: Other
16 questions? I have a couple. Someplace --

17 MR. ZERNA: Yes, sir.

18 CHAIRMAN PRO TEM RIDDER: Someplace I
19 was led to understand that everything between the privacy
20 fence and the road should be vehicles that were operable
21 condition and for sale. Is this the case?

22 MR. ZERNA: No, sir, it's not. And
23 that's, once again, why I paid the 750 bucks, is that I can
24 say all the other lots -- we'll go to them tomorrow if you
25 want, and I will accompany you.

1 CHAIRMAN PRO TEM RIDDER: Let me
2 interrupt.

3 MR. ZERNA: Okay.

4 CHAIRMAN PRO TEM RIDDER: Everything
5 between the privacy fence and the highway should be for sale
6 or at least in operable condition; is this the case?

7 MR. ZERNA: No, sir, it's not.

8 CHAIRMAN PRO TEM RIDDER: Okay.
9 Thank you.

10 MR. ZERNA: No, you're welcome.

11 CHAIRMAN PRO TEM RIDDER: The other
12 thing was when you were issued that --

13 MR. ZERNA: Can I stop you since I
14 stopped me? Why does no one else have to follow those
15 rules?

16 CHAIRMAN PRO TEM RIDDER: Well, we're
17 not --

18 MR. ZERNA: That's my question.

19 CHAIRMAN PRO TEM RIDDER: Excuse me.
20 We're not here talking about somebody else tonight.
21 We're -- you're talking about Mr. Zerna.

22 MR. ZERNA: Is there a double
23 standard, sir?

24 CHAIRMAN PRO TEM RIDDER: That's not
25 our determination tonight.

1 MR. ZERNA: But you're determining if
2 I have one set of standard and my competitors have a
3 different set. Yes, you are, sir. You're determining the
4 fact that if I have a set of rules and my competitors don't
5 have to live by that set of rules. So that's my question.
6 For the 750 bucks, I'm given the opportunity to talk.

7 CHAIRMAN PRO TEM RIDDER: I'm sorry.
8 We're not here tonight to make rules or adjust the rules of
9 the Planning and Zoning. We're here to listen to you, but
10 we're listening to you and your situation. Okay.

11 MR. ZERNA: I'm still listening. I'm
12 not agreeing or disagreeing. I'm listening.

13 CHAIRMAN PRO TEM RIDDER: Another
14 condition of your permit was that, within two years, you
15 would have this paving done. And of course, it's not
16 finished yet or not started.

17 MR. ZERNA: That is true.

18 CHAIRMAN PRO TEM RIDDER: The
19 building. You were refused a building request?

20 MR. ZERNA: I had Mike Sabu from Safe
21 Co Manufacturing come down and ask about it, and I was
22 understood -- and I don't want to quote someone else's
23 words, but someone else said we're not going to issue them
24 anything.

25 CHAIRMAN PRO TEM RIDDER: Did you

1 submit plans for a building?

2 MR. ZERNA: If you want me to,
3 Mr. Ridder.

4 CHAIRMAN PRO TEM RIDDER: No, no, no.

5 MR. ZERNA: No, I didn't.

6 CHAIRMAN PRO TEM RIDDER: Okay.

7 MR. ZERNA: Because I was told -- I
8 was told no.

9 CHAIRMAN PRO TEM RIDDER: That's all
10 I needed to know.

11 MR. ZERNA: And I was told no, and I
12 want that stated also on the record.

13 CHAIRMAN PRO TEM RIDDER: Any other
14 questions of Mr. Zerna?

15 MR. ZERNA: I would still like to
16 know, though, why I would have to have a privacy fence. Why
17 I have to have so many square footage of asphalt or
18 concrete, and then also why do the other people don't have
19 to do this that are in the same job that I am at.

20 I've got the biggest piece of property, and I
21 want to know why am I singled out that I have to have that
22 and they do not. I'm just being very sincere. Why am I
23 singled out and I am the only one?

24 And that's my question to you, sir.

25 MEMBER SCHRIEWER: I certainly don't

1 mean to speak for all the Board members here, but we have
2 information in front of us that at least one other auto
3 sales or repair place was required to have a sight-proof
4 fence, a 12-vehicle limit, as well as a hard surface on the
5 lot, and that was within five miles of you.

6 MR. ZERNA: And that --

7 MEMBER SCHRIEWER: So at least once
8 case that quite literally matches what you have beside the
9 difference in the -- in the amount of cars available.

10 MR. ZERNA: Mr. --

11 MEMBER SCHRIEWER: Schriewer.

12 MR. ZERNA: Thank you. Mr.
13 Schriewer, may I request which one that is.

14 MEMBER SCHRIEWER: By my record here,
15 it shows Aftermath Diesel.

16 MR. ZERNA: Never -- never heard of
17 them.

18 MEMBER SCHRIEWER: I'm just saying
19 the Board members here have this information.

20 Can we make this available to him so he can see
21 this.

22 MR. ZERNA: That would be nice, but
23 can you also make available the other ones that have since
24 me that have not so that this is all on public record for
25 the next step in my procedure?

1 I mean, there's many of them. I've named them.
2 Hammock Auto Sales, The Shop, Specialized Maintenance.

3 MS. ZIELKE: Mr. Schriewer, if you
4 would like or if the Board would like, I can provide him a
5 copy of this. This was part of the staff report, which is
6 part of the file. It's public record. He can come in and
7 view it at any point.

8 When he's referring to The Shop, that would be
9 the name Allen that's on that bottom list, is also the same
10 as The Shop. Some of the other ones. This is the first
11 time that we have heard some of these names that he's
12 mentioned.

13 He said before that there were other auto sales
14 places other auto repair businesses, but never named names.
15 So Scottie just did research since his was issued. I'm not
16 familiar with some of those. I don't know what zoning
17 districts they're in. It's possible they're permitted in
18 that district. It's possible they're in violation. We
19 could be pursuing them, you know, right now, for all I know.

20 But this list, if the Board wishes, I can
21 provide it to him now.

22 MR. ZERNA: Specialized Maintenance
23 is off of the Old Highway AT, and then where Wayside Liquor
24 is at, there was two dealerships opposite of them, Hammock
25 Auto Sales, Crazy Kev's Auto Sales. If you go down the

1 street farther, it's called Bert's now that I remember.

2 Bert's has no privacy fence. Although he's on
3 asphalt, but he's got cars jammed everywhere, but that was
4 already asphalted, and there is gravel there too that he
5 parks his cars on.

6 I wish I could think of all the names, but
7 there's multiple. I'm not trying to be difficult. I just
8 want to just be able to go on with my life. I've lived here
9 forever. We moved from Arnold here when I was about 10, 11
10 years old. I don't understand why I'm exactly being put
11 these rules on. I am the oldest, as far as what the State
12 of Missouri has told me. In Franklin County, I'm the oldest
13 sole proprietorship as far as a car dealership in one
14 location.

15 I've tried really hard to do a good job.

16 CHAIRMAN PRO TEM RIDDER: But not at
17 this location.

18 MR. ZERNA: But, Mr. -- but, Mr.
19 Ridder, I am only wanting to move three or four blocks down
20 so I can have more cars, sir. That's all I'm trying to do,
21 and I can't afford to do the asphalt because no one else is
22 required to do the asphalt.

23 CHAIRMAN PRO TEM RIDDER: At your
24 current location, --

25 MR. ZERNA: Yes, sir.

1 CHAIRMAN PRO TEM RIDDER: -- are all
2 your cars on asphalt?

3 MR. ZERNA: Absolutely not, sir.

4 CHAIRMAN PRO TEM RIDDER: So you
5 probably grandfathered in at that location.

6 MR. ZERNA: I've was grandfathered in
7 since 1987.

8 CHAIRMAN PRO TEM RIDDER: Okay. But
9 you're in a new location, and the rules have probably
10 changed somewhat.

11 MR. ZERNA: And since -- since you
12 quoted me on that, Mr. Ridder, why is it since 2013, is my
13 question, that these other dealers have come into being and
14 they don't have to follow the asphalt rule? That's my
15 question to you, sir.

16 CHAIRMAN PRO TEM RIDDER: I am not
17 going to answer that question.

18 MR. ZERNA: I knew you wouldn't. I'm
19 just asking you.

20 CHAIRMAN PRO TEM RIDDER: I can't
21 answer it. Do you have anything else to tell us tonight?

22 MR. ZERNA: No, just my question back
23 to you. Why don't these other people that have come since
24 me -- because you made it so that I was grandfathered in,
25 and you are correct. I am grandfathered in, but my question

1 to you back is why are the other people that are new comers
2 why do they not have to follow a set of rules you're
3 bestowing upon me, sir?

4 CHAIRMAN PRO TEM RIDDER: This Board
5 did not bestow any rules on you. Do you have anything else
6 to say tonight right now?

7 MR. ZERNA: I'd just appreciate your
8 compassion, sir.

9 CHAIRMAN PRO TEM RIDDER: Thank you.

10 MR. ZERNA: You're more than welcome.

11 CHAIRMAN PRO TEM RIDDER: You may be
12 seated.

13 Anyone else here to speak in behalf of the
14 Applicant? Anyone else to speak in behalf of the Applicant?
15 [None.]

16 Any opposition to the Applicant? Anyone to
17 speak in opposition to the application? [None.] Okay.

18 Is there any discussion amongst the Board?
19 [None.]

20 We'll take a few minutes, and then we probably
21 ought to either move to uphold the Planning and Zoning
22 Commission or not uphold them or something in between.

23 Just a personal opinion. It seems to me six
24 years or six plus years and not much movement is just a long
25 time.

1 MEMBER HOFF: My feeling is that, you
2 know, every time I drive by it, it doesn't look like
3 anything but a salvage yard.

4 MEMBER HEAD: I mean, I certainly I
5 can sense that part of me understands his frustration
6 because the zoning laws as time changed and sometimes that's
7 difficult, but the way that I view our role here tonight is
8 very limited based off -- and I may be wrong about that.

9 MS. ZIELKE: Justin, will you please
10 use the mic.

11 MEMBER HEAD: Yes. But based off of
12 the reasons why it was denied before, it seems like -- but
13 it seems like those same reasons have not been corrected
14 since the last meeting.

15 So I would make a motion to affirm the vote of
16 Planning and Zoning. Is that the right way?

17 MS. ZIELKE: Sounds right.

18 CHAIRMAN PRO TEM RIDDER: Yes, yes.
19 A motion has been made to affirm the determination of the
20 Planning and Zoning Commission. Is there a second?

21 MEMBER TOBBEN: I'll second.

22 CHAIRMAN PRO TEM RIDDER: Thank you.

23 Any other discussion before we vote?

24 MEMBER SCHRIEWER: I have one
25 complaint, one comment.

1 To me two points. Concern about liability of
2 the County in declining the building permit when -- on the
3 idea that he was in noncompliance concerns me a little bit
4 because --

5 MR. ZERNA: Thank you.

6 MEMBER SCHRIEWER: -- it's like he
7 said, it's the chicken before the egg situation. He needed
8 to get the building up to be able to be in compliance and
9 then he was turned down. But the non-formality of him
10 applying is my concern. I mean, as you asked, there was no
11 permit actually requested, and at that point, it becomes a
12 repeated indifference to the conditions of the CUP permit.
13 And at that point, I will be in agreement of the motion.

14 CHAIRMAN PRO TEM RIDDER: Any other
15 discussion, comments? [None]

16 Will you call the roll.

17 MS. ZIELKE: Carl Ridder?

18 CHAIRMAN PRO TEM RIDDER: Yes.

19 MS. ZIELKE: Derek Schriewer?

20 MEMBER SCHRIEWER: Yes.

21 MS. ZIELKE: Justin Head?

22 MEMBER HEAD: Yes.

23 MS. ZIELKE: Tim Tobben?

24 MEMBER TOBBEN: Yes.

25 MS. ZIELKE: Steve Hoff?

1 MEMBER HOFF: Yes.

2 MS. ZIELKE: Okay. The decision of
3 the Planning and Zoning Commission is affirmed.

4 CHAIRMAN PRO TEM RIDDER: Thank you.

5 No other item on the agenda tonight. Do I hear
6 a motion we adjourn?

7 MEMBER HOFF: I make a motion we
8 adjourn.

9 CHAIRMAN PRO TEM RIDDER: Thank you.
10 Second?

11 MEMBER SCHRIEWER: Second.

12 CHAIRMAN PRO TEM RIDDER: All in
13 favor aye. Aye.

14 MEMBER SCHRIEWER: Aye.

15 MEMBER HEAD: Aye.

16 MEMBER HOFF: Aye.

17 MEMBER TOBBEN: Aye.

18 The meeting is adjourned.

19 [Thereupon, the proceedings
20 concluded at 7:53 p.m.]

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CERTIFICATE OF REPORTER

I, PATSY A. HERTWECK, Professional Court Reporter and Notary Public within and for the State of Missouri, before whom the foregoing proceeding was taken, do hereby swear that the aforementioned was held at the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand.

Patsy A. Hertweck, Court Reporter
Notary Public, State of Missouri

A	15:8 ability 11:7 able 12:10 21:2 27:8 31:8 Absolutely 18:14 28:3 accompany 21:25 accurate 17:1 acres 14:3,17 15:4 address 8:3,11 10:4 21:7 adjourn 32:6,8 adjourned 32:18 Adjournment 2:14 adjust 23:8 Adjustment 1:2 4:2 7:18 8:3,16 8:19 11:7 Administrative 4:9 affirm 11:8 30:15 30:19 affirmed 32:3 afford 27:21 aforementioned 33:6 Aftermath 25:15 agenda 8:4,23 32:5 agreeing 23:12 agreement 31:13 ahead 11:21 Allen 26:9 allow 14:23 20:14 21:3 allowed 20:16 allows 21:5 amount 25:9 angle 16:10 answer 16:12 17:14 18:18 19:11 20:25 28:17,21 anybody 14:9	15:8 appeal 8:18 17:6 18:15 appealed 8:18 11:9 appealing 9:4 Applicant 2:11 9:4,15 11:13 20:1 29:14,14 29:16 application 29:17 applying 31:10 appoint 5:7,24 6:1 appointed 6:11 appreciate 12:4 29:7 appropriate 15:8 approval 2:6 17:20 approve 6:25 7:1 approved 13:21 argued 13:23 Arnold 27:9 arrow 12:15 15:24 Article 10:19 asked 31:10 asking 20:11 28:19 asphalt 13:16 19:12 24:17 27:3,21,22 28:2 28:14 asphalted 27:4 asphalting 17:16 Assistant 4:9 attached 3:11 11:2 attempt 15:17 attorney 18:16 audible 16:23 audience 8:7,12 auto 11:2,3 12:24 13:6,6,7 14:19 25:2 26:2,13,14	26:25,25 automatically 10:20 available 17:4 25:9,20,23 aware 21:3 aye 6:5,6,7,8 7:6 7:7,8,9,10,11 32:13,13,14,15 32:16,17	B	B 3:1,6 7:22 8:2 9:18 back 9:25 12:17 15:22,23,23 16:2,2,5 28:22 29:1 bad 14:24 based 30:8,11 beef 18:9 behalf 11:12 29:13,14 Bert's 13:7 27:1 27:2 bestow 29:5 bestowing 29:3 better 14:13 20:25 biggest 13:17 24:20 bit 12:4,17 16:9 16:11 31:3 block 16:8,17 blocked 16:25 17:10,13 blocks 27:19 Board 1:2 4:2 5:6 5:23 6:16 7:17 8:3,6,11,12,16 8:17,19 11:7,10 19:24 25:1,19 26:4,20 29:4,18 Boles 9:8 bottom 26:9 bought 14:3,7 15:8	bound 20:19 bring 12:24 Brinley 11:20 bucks 21:23 23:6 building 19:6 20:15,16,23,24 23:19,19 24:1 31:2,8 bunch 14:25 Bureau 14:13 buried 13:9 business 2:8 8:23 8:24 9:17 14:12 14:13 20:3 businesses 11:3 26:14	C	C 1:24 3:7 4:1,13 5:1 7:22 8:2 call 2:3,3 6:21 31:16 called 6:23 13:12 13:13 27:1 calling 5:4 car 11:24 12:2,20 12:22 13:10,11 13:11,14 14:4 16:24 27:13 Carl 2:9 4:3 5:12 6:1,11 7:12 8:25 11:14,18 11:19 31:17 cars 9:18 14:18 15:21,22 16:2,8 16:17,21 17:3 19:12 25:9 27:3 27:5,20 28:2 case 3:8 7:23,23 8:4,4,15,16 21:21 22:6 25:8 cases 3:8 7:24 caused 15:2 19:15 cell 6:19 cemetery 13:9 CENTER 1:3	certainly 24:25 30:4 Certificate 2:15 33:1 certificates 9:16 20:2 chair 5:5 6:15 chairman 2:4 4:3 5:5,7,9 6:1,9,11 6:13,15 7:2,5,9 7:13,16 8:10,22 11:11,15,21 15:11 16:13 19:23 21:15,18 22:1,4,8,11,16 22:19,24 23:7 23:13,18,25 24:4,6,9,13 27:16,23 28:1,4 28:8,16,20 29:4 29:9,11 30:18 30:22 31:14,18 32:4,9,12 CHAMBERS 1:4 chance 6:25 changed 28:10 30:6 chicken 20:18,18 31:7 children 14:14 choice 6:14 Circuit 8:20 claims 10:17,24 close 12:13,13,14 12:25 13:7,10 13:11,14 collection 9:24 come 8:11 10:25 11:3 12:16 13:2 15:3 16:4 23:21 26:6 28:13,23 comers 29:1 coming 15:23 17:5 18:18 Commencing 1:13
----------	---	--	--	----------	---	---	----------	---	---

<p>comment 8:8 30:25 comments 8:13 8:14 10:17 31:15 commercial 12:22 Commission 1:4 3:10 9:5 10:15 29:22 30:20 32:3 Commissioner 10:7 company 14:4 compassion 29:8 competitors 23:2 23:4 complaining 18:2 complaint 13:17 18:11 30:25 completed 9:13 completing 10:11 compliance 9:11 31:8 comply 15:17 complying 9:13 concern 31:1,10 concerning 8:15 concerns 31:3 conclude 8:16 concluded 32:20 conclusion 8:14 concrete 13:17 24:18 condition 21:21 22:6 23:14 Conditional 9:5 9:9 10:16,18,19 11:4 conditionals 15:18 conditions 9:10 9:14 10:9,12 31:12 confrontation 20:17</p>	<p>construction 19:6 copy 26:5 corner 9:7 correct 10:12 16:19 17:14 28:25 corrected 30:13 counting 13:4 county 1:1,3 3:3 3:4 7:18 9:17 13:8,24,25 14:14 17:25 18:2 20:3 21:4 21:5 27:12 31:2 couple 15:1 21:16 course 23:15 Court 8:20 33:3 33:17 Crazy 13:6 26:25 CUP 9:20 15:17 16:20 31:12 current 20:22 27:24 cut 16:6 18:22</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D 2:1 3:8 5:1 7:23 8:2 darn 15:21 dead 14:8 dealer 13:14 dealers 28:13 dealership 27:13 dealerships 26:24 dealer's 10:4 20:10,15 December 9:12 deciding 18:17 decision 8:17,17 8:18 9:4 11:9 32:2 declining 31:2 denied 30:12 Department 10:3</p>	<p>Derek 4:4 5:14 31:19 described 33:7 DESCRIPTION 3:2 desires 8:18 despondent 19:10 determination 11:9 22:25 30:19 determined 9:12 determining 23:1 23:3 Diesel 25:15 difference 25:9 different 23:3 difficult 27:7 30:7 disagreeing 23:12 disappointed 14:2 discuss 5:6,23 discussion 2:12 8:15 29:18 30:23 31:15 disrespect 15:8 distract 26:18 distributed 6:24 districts 26:17 doing 14:10 double 22:22 drive 9:8 30:2 due 17:17</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>E 2:1 3:1 4:1,1 5:1,1 earlier 15:7 EAST 1:5 effect 13:2 egg 20:18,18 31:7 either 13:16 29:21 Election 2:4 Eleventh 4:14</p>	<p>ell 15:20 else's 23:22 Enforcement 4:10 entrance 12:23 13:21 17:20 evidence 7:25 10:11 exact 11:25 20:19 exactly 18:6 27:10 excellent 14:13 Excuse 12:8 22:19 Exhibit 3:4,6,7,8 7:21,22,22,23 exhibits 3:10 8:2 existing 21:6 expiration 10:22 expire 10:20 explains 10:19</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>fact 5:5 23:4 facts 9:9 15:6 fair 6:17 familiar 26:16 far 13:8,14,16 17:15 27:11,13 farther 12:5,5 15:24 27:1 fast 12:17 16:15 fault 19:16,21 favor 6:4 7:6 32:13 feeling 30:1 feet 13:3,16 19:14 fence 9:19 11:1 12:21,23 13:2 13:19,20 15:20 16:8,10,16 17:4 18:20 19:13,13 19:17,19 21:20 22:5 24:16 25:4 27:2 fencing 11:5</p>	<p>fight 15:9 file 2:9 7:23 8:25 10:16,25 12:11 26:6 Files 3:8 final 17:20 finally 13:21 17:19 find 10:3,5 fine 18:24 finished 23:16 first 5:4 8:5,8 10:6 26:10 five 6:16 13:3 14:14 25:5 FLOOR 1:4 follow 12:5 22:14 28:14 29:2 followed 8:6 following 9:14 footage 24:17 foregoing 33:5 forever 27:9 fought 17:24 18:2 four 13:14 27:19 Franklin 1:1,3 3:4 7:18 13:23 13:25 17:24 18:2 21:4,5 27:12 Fred 5:10 front 8:11 13:21 14:4 17:4,20 25:2 frustration 30:5 full 6:16</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>G 5:1 Gary's 12:21,24 give 20:23 given 14:18 23:6 go 11:21 12:5,15 12:16 13:5,6 16:6 17:7 18:7 21:24 26:25</p>
--	---	--	---	--

<p>27:8 going 12:9,14,17 15:1 16:6 19:19 23:23 28:17 good 14:15,15 27:15 Gordon 5:8 governed 7:18 government 1:3 14:2 grandfathered 28:5,6,24,25 gravel 27:4 great 18:7 grief 15:3 ground 19:9 guess 6:14 17:8 20:8</p> <hr/> <p style="text-align: center;">H</p> <p>H 3:1 half 20:21 hall 6:22 Hammock 13:6 26:2,24 hand 33:9 happy 7:14 hard 25:4 27:15 head 4:5 5:16,17 5:25 6:6 7:8 16:15,20,24 17:8,15 18:10 18:13,22,25 19:4,20 30:4,11 31:21,22 32:15 hear 6:25 32:5 heard 3:8 7:24 25:16 26:11 hearing 2:5 7:15 7:18,24 8:5,8 8:15 10:6,10 held 33:6 hereto 3:11 hereunto 33:8 Hertweck 1:24 4:13 33:3,17 highway 9:8 10:1</p>	<p>12:6,10 16:22 16:25 19:17 21:6 22:5 26:23 Hoff 4:6 5:20,21 6:2,7 7:10 30:1 31:25 32:1,7,16 hold 14:1 19:9 21:4 home 14:22 18:1 honest 12:18 hope 6:16 hurry 19:1,1</p> <hr/> <p style="text-align: center;">I</p> <p>idea 31:3 identification 3:2 8:1 included 12:9,11 indifference 31:12 individual 14:15 information 25:2 25:19 inspected 9:11 interested 19:5 interrupt 20:13 22:2 interstate 12:16 issuance 9:20 10:21 issue 17:16 20:9 23:23 issued 22:12 26:15 item 32:5</p> <hr/> <p style="text-align: center;">J</p> <p>jammed 27:3 January 10:6 job 24:19 27:15 John 14:19 Jr 2:9 11:19,19 July 9:10 10:10 10:14 11:4 15:17 19:5,8 June 10:8 jurisdiction</p>	<p>13:15 Justin 4:5 5:16 30:9 31:21</p> <hr/> <p style="text-align: center;">K</p> <p>Karim 4:10 9:21 9:24 15:25 16:3 keep 15:23 16:6 18:11,11 Kev's 13:6 26:25 kind 16:9 knew 28:18 knock 19:15 know 12:13 13:13 14:23 16:5 18:1,25 20:25 24:10,16 24:21 26:16,19 26:19 30:2</p> <hr/> <p style="text-align: center;">L</p> <p>Land 3:4 7:19 10:23 Lane 11:20 large 9:24 laws 12:1 30:6 led 21:19 left 11:24 legally 20:19 Let's 19:8 liability 31:1 license 10:4 20:10,15 21:6 licenses 9:16 20:2 21:10 life 27:8 light 5:4 limit 11:2 25:4 limitation 10:18 14:18,19 19:12 limitations 15:5 17:24 limited 18:12 30:8 limits 11:5 line 15:22 Liquor 13:5</p>	<p>26:23 list 26:9,20 listed 8:4 9:10 10:21 listen 23:9 listening 23:10 23:11,12 literally 25:8 Litigation 1:25 4:12 little 12:4,17 15:24 16:9,11 31:3 live 23:5 lived 27:8 located 9:7 location 20:15,23 21:7 27:14,17 27:24 28:5,9 LOCUST 1:5 long 16:24 21:5 29:24 longer 16:11 look 11:23 15:6,6 17:7 19:17 30:2 lot 9:22 11:1,5,24 12:2,2,4,20,22 13:10 14:4 15:2 15:20 17:22 20:22 25:5 lots 10:25 11:24 13:1,11 17:7 21:24 Louis 4:15</p> <hr/> <p style="text-align: center;">M</p> <p>Maintenance 26:2,22 Manufacturing 23:21 map 3:6 7:22 12:8 marked 7:25 Master 3:7 7:22 matches 25:8 McIntire 14:19 mean 12:13</p>	<p>17:13,14 18:7 18:20,22 25:1 26:1 30:4 31:10 meat 14:4 meet 10:9 meeting 1:11 5:4 6:1,17,24 19:5 19:10 30:14 32:18 meetings 15:7 member 4:4,5,6 4:7 5:11,13,15 5:17,19,21,25 6:2,5,6,7,8,16 7:1,4,7,8,10,11 15:13,16 16:15 16:20,24 17:8 17:15 18:10,22 18:25 19:4,20 19:25 20:8 21:9 21:13 24:25 25:7,11,14,18 30:1,4,11,21,24 31:6,20,22,24 32:1,7,11,14,15 32:16,17 members 4:2 5:23 25:1,19 mention 10:18 11:23 mentioned 13:1 14:20 17:22 26:12 mic 30:10 Midwest 1:25 4:12 Mike 23:20 mile 20:21 miles 13:3 25:5 minutes 2:6 6:23 29:20 Missouri 1:6 4:15 11:20 13:23,25 17:25 20:14 21:3 27:12 33:5,18 modify 11:8,10</p>
--	--	--	---	--

<p>money 17:23 mother 14:8 motion 5:6,25 6:3,25 7:1 30:15,19 31:13 32:6,7 move 16:1 20:22 21:6 27:19 29:21 moved 15:2 27:9 movement 29:24 moving 15:21,22 multiple 9:22 27:7</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N 2:1 4:1 5:1 name 8:9 11:18 11:19 13:9,13 26:9 named 26:1,14 names 18:1 26:11 26:14 27:6 necessarily 18:16 necessary 9:15 20:2 need 8:19 9:18 20:23 21:11 needed 24:10 31:7 needs 10:21 never 14:6 25:16 25:16 26:14 new 2:8 8:24 17:20 21:7 28:9 29:1 nice 25:22 Nichole 4:9 9:1 20:1 noncompliance 31:3 non-formality 31:9 North 4:14 Northridge 9:8 Notary 33:4,18 noticed 9:24</p>	<p>NOVEMBER 1:12 5:2 Number 8:25 9:6 11:19,23 numbers 18:1</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>O 5:1 obviously 20:9 October 2:7 Officer 4:10 official 3:6,7 7:21 7:22 Oh 12:12 16:1 okay 7:16 12:12 20:7,12 21:13 22:3,8 23:10 24:6 28:8 29:17 32:2 old 8:23 9:8 26:23 27:10 oldest 27:11,12 once 13:24 21:1,2 21:23 25:7 ones 14:20 15:5 17:12 21:12 25:23 26:10 opened 8:5 operable 21:20 22:6 opinion 29:23 opportunity 23:6 opposite 20:21 26:24 opposition 6:10 29:16,17 order 2:3 11:8,9 16:8 ought 29:21 o8o 32:21</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P 4:1,1 5:1 PAGE 2:2 3:2 paid 17:5 18:15 21:23 paperwork 9:22</p>	<p>parcel 11:23 parked 17:9 parks 27:5 part 10:22 12:9 21:4 26:5,6 30:5 pass 12:4 Patsy 1:24 4:13 33:3,17 paved 11:1 pavement 17:16 18:4 paving 23:15 people 14:25 15:3 17:21 18:17,19 24:18 28:23 29:1 people's 17:25 Performance 14:19 permit 9:6,10 10:16,19,22 11:4 20:24 23:14 31:2,11 31:12 permits 9:16 10:20 19:7 20:2 21:10 permitted 26:17 person 14:15,24 personal 29:23 pertaining 10:22 phone 6:19,21 picking 14:9 pictures 9:23 10:1 piece 12:18 14:5 15:4 24:20 pieces 12:24 17:22 place 7:20 13:13 25:3 33:7 places 13:19 26:14 Plan 3:7 7:22 Planning 1:1 4:8 9:5,10 10:3,7</p>	<p>10:14 23:9 29:21 30:16,20 32:3 plans 24:1 please 9:2 11:16 12:4 15:6,10 16:6 30:9 plus 29:24 point 20:17 21:5 26:7 31:11,13 points 31:1 portion 14:17 possible 26:17,18 present 5:9,11 21:8 Presentation 2:10,11 presented 8:1 previously 33:7 print 8:9 prior 6:23,24 9:19 privacy 12:23 13:2,18,19 15:19 16:16 18:20 19:13,13 19:17,19 21:19 22:5 24:16 27:2 pro 2:4 4:3 5:7 5:24 6:1,9,11 6:13 7:2,5,9,13 7:16 8:22 11:11 11:15,21 15:11 16:13 19:23 21:15,18 22:1,4 22:8,11,16,19 22:24 23:7,13 23:18,25 24:4,6 24:9,13 27:16 27:23 28:1,4,8 28:16,20 29:4,9 29:11 30:18,22 31:14,18 32:4,9 32:12 probably 12:18 28:5,9 29:20 problem 14:6</p>	<p>17:19 19:16 problems 14:8 procedure 25:25 procedures 2:5 7:15 proceed 8:17 proceeding 33:5 proceedings 1:10 2:2 32:19 Professional 33:3 property 9:7,11 9:21,25 10:8,13 12:15 14:5 15:4 16:5 17:22 19:7 24:20 proprietorship 27:13 provide 26:4,21 provided 8:9 9:23 10:2,11 public 1:11 8:8 8:15 25:24 26:6 33:4,18 pursuing 26:19 pushed 12:1 put 6:20 14:1 15:19 16:8 19:16 20:16 21:1 27:10 p.m 1:13 32:20</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>Quest 13:12 question 15:14 16:12 18:18 20:5 22:18 23:5 24:24 28:13,15 28:17,22,25 questions 8:6,13 8:14 15:10,12 16:14 19:24 21:16 24:14 quite 25:8 quorum 5:22 quote 23:22 quoted 28:12</p>
---	--	---	--	--

R	<p>research 10:3 26:15</p> <p>response 16:23</p> <p>restate 17:5</p> <p>Restaurant 13:8</p> <p>restrictions 16:21</p> <p>retained 3:10</p> <p>reverse 11:8,10</p> <p>review 6:25</p> <p>revoke 9:5 10:15</p> <p>Richard 2:9 8:25 11:18,19</p> <p>Ridder 4:3 5:12 5:13 6:1,9,11 6:13 7:2,5,9,13 7:16 8:22 11:11 11:15,21 15:11 16:13 19:23 21:15,18 22:1,4 22:8,11,16,19 22:24 23:7,13 23:18,25 24:3,4 24:6,9,13 27:16 27:19,23 28:1,4 28:8,12,16,20 29:4,9,11 30:18 30:22 31:14,17 31:18 32:4,9,12</p> <p>Ridge 11:20</p> <p>right 11:25 12:3 12:5,18 13:17 16:6,7,7,17,22 18:2 20:20 21:2 26:19 29:6 30:16,17</p> <p>road 21:20</p> <p>role 30:7</p> <p>roll 2:3 5:4,8 6:23 31:16</p> <p>room 8:11</p> <p>rotate 12:3</p> <p>row 15:21</p> <p>rule 28:14</p> <p>rules 13:2,15 18:8,20 22:15 23:4,5,8,8</p>	<p>27:11 28:9 29:2 29:5</p> <p>runs 16:9</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>S 3:1 4:1 5:1</p> <p>Sabu 23:20</p> <p>Safe 23:20</p> <p>sale 9:18,23 16:9 16:17,22,25 17:4,11 21:21 22:5</p> <p>sales 10:24 11:2 13:6,6,7 14:20 25:3 26:2,13,25 26:25</p> <p>salvage 30:3</p> <p>saying 18:6 25:18</p> <p>Scanlan 12:15</p> <p>Schriewer 4:4 5:14,15 6:5 7:1 7:7 15:13,16 16:12 24:25 25:7,11,11,13 25:14,18 26:3 30:24 31:6,19 31:20 32:11,14</p> <p>Scottie 26:15</p> <p>scroll 12:10</p> <p>seated 29:12</p> <p>second 1:4 6:2,4 7:3,4 30:20,21 32:10,11</p> <p>Section 10:19</p> <p>see 12:21,21 14:16 15:20 19:8,18 25:20</p> <p>sense 30:5</p> <p>sentimental 14:21</p> <p>Services 1:25 4:12</p> <p>set 18:8 20:22 23:2,3,4,5 29:2 33:8</p> <p>sheet 8:9 18:12</p>	<p>Shop 13:12 14:20 26:2,8,10</p> <p>show 15:1,1</p> <p>showing 11:2,4</p> <p>shown 9:23 10:1</p> <p>shows 25:15</p> <p>sick 14:21</p> <p>side 12:17 16:2,3</p> <p>sides 17:21</p> <p>sight-proof 9:19 11:1 13:18,19 19:13 25:3</p> <p>Sign 11:15</p> <p>sign-in 8:9</p> <p>sincere 24:22</p> <p>singled 18:5,6 24:21,23</p> <p>sir 12:18 15:15 15:15 16:18 19:22 21:8,17 21:22 22:7,23 23:3 24:24 27:20,25 28:3 28:15 29:3,8</p> <p>site 9:12</p> <p>situation 18:9 20:19 23:10 31:7</p> <p>six 29:23,24</p> <p>small 14:17</p> <p>snapshot 12:8</p> <p>sole 27:13</p> <p>somebody 22:20</p> <p>somebody's 15:22</p> <p>Someplace 21:16 21:18</p> <p>somewhat 28:10</p> <p>son 13:9 14:22</p> <p>sorry 6:14 12:7 16:5 23:7</p> <p>Sounds 30:17</p> <p>southwest 9:7</p> <p>speak 8:8,10 11:12 25:1 29:13,14,17</p> <p>Specialized 26:2 26:22</p>	<p>spent 17:22</p> <p>spoke 16:16</p> <p>spreadsheet 11:2</p> <p>square 13:3,16 24:17</p> <p>St 4:15</p> <p>staff 4:8 8:5,6 9:1 10:17 26:5</p> <p>standard 22:23 23:2</p> <p>start 5:3,8 8:24</p> <p>started 6:18 14:4 23:16</p> <p>state 9:17 13:23 13:24 17:25 20:3,14 21:2 27:11 33:4,18</p> <p>stated 24:12</p> <p>statute 10:18</p> <p>step 6:21 11:13 14:23 25:25</p> <p>Steve 4:6 5:20 31:25</p> <p>stop 16:7 22:13</p> <p>stopped 22:14</p> <p>straight 12:16 15:22 16:4 17:2</p> <p>straightforward 14:10</p> <p>street 1:5 4:14 20:21 27:1</p> <p>stuff 15:7</p> <p>submit 8:19 24:1</p> <p>suing 14:8</p> <p>superwide 17:23</p> <p>sure 9:3 17:1,15 19:4 20:13</p> <p>surface 25:4</p> <p>swear 11:16 33:6</p> <p>sworn 8:10 11:17</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>T 3:1</p> <p>take 6:21 18:7 29:20</p> <p>taken 33:5</p>
----------	--	---	---	---

<p>talk 23:6 talked 15:7 talking 22:20,21 tell 28:21 telling 14:10 tem 2:4 4:3 5:7 5:24 6:1,9,12 6:13 7:2,5,9,13 7:16 8:22 11:11 11:15,21 15:11 16:13 19:23 21:15,18 22:1,4 22:8,11,16,19 22:24 23:7,13 23:18,25 24:4,6 24:9,13 27:16 27:23 28:1,4,8 28:16,20 29:4,9 29:11 30:18,22 31:14,18 32:4,9 32:12 Thank 6:13 7:5 8:21,22 11:11 19:20 22:9 25:12 29:9 30:22 31:5 32:4 32:9 Thatcher 5:10,11 they'd 5:24 thing 11:22 19:5 20:19 22:12 things 6:19 think 13:8 27:6 three 10:21 13:21 13:24 27:19 Tim 4:7 5:18 31:23 time 7:20 18:7 21:8 26:11 29:25 30:2,6 33:6 times 13:22,24 Tobben 4:7 5:18 5:19 6:8 7:4,11 19:25 20:8 21:9 21:13 30:21 31:23,24 32:17</p>	<p>told 14:3 18:16 24:7,8,11 27:12 tomorrow 17:7 21:24 tonight 5:4 6:15 8:23 20:9 22:20 22:25 23:8 28:21 29:6 30:7 32:5 tonight's 6:1 7:17 Tori 4:10 12:7 16:2 tormented 14:9 Township 9:8 trailer 21:1,2 TRANSCRIPT 1:10 trees 9:25 19:14 19:18 Tri 13:7 tried 27:15 true 23:17 trying 13:8 18:11 27:7,20 turn 6:20 8:10 turned 31:9 two 11:24 12:24 13:4 17:20,22 23:14 26:24 31:1</p> <hr/> <p style="text-align: center;">U</p> <p>unanimously 10:15 understand 18:5 18:10,17 21:19 27:10 understanding 17:16 understands 30:5 understood 23:22 Unified 3:4 7:19 10:23 UNION 1:6</p>	<p>Upchurch 5:8,9 uphill 16:10 uphold 29:21,22 upset 19:11 use 3:4 7:19 9:5,9 10:16,18,19,23 11:4 30:10</p> <hr/> <p style="text-align: center;">V</p> <p>vehicle 11:1,5 vehicles 9:22,25 17:9,10 21:20 verification 14:1 vibrate 6:20 vice 5:5 6:15 view 26:7 30:7 Villa 11:20 violation 26:18 violations 10:8 10:12 visible 10:1 visit 9:12 visited 9:21 vote 2:13 11:10 30:15,23 voted 10:15</p> <hr/> <p style="text-align: center;">W</p> <p>want 12:14,15 14:17,18,21,22 15:6 17:1,5 20:13,22 21:25 23:22 24:2,12 24:21 27:8 wanted 12:24 20:12 wanting 27:19 wasn't 17:17 way 17:23 30:7 30:16 Wayside 13:5 26:23 week 14:25 15:2 welcome 6:18 19:22 22:10 29:10 we'll 8:24 21:24</p>	<p>29:20 we're 22:16,20 22:21 23:8,9,10 23:23 we've 6:24 WHEREOF 33:8 willing 15:9 wish 14:16 27:6 wishes 26:20 witness 11:17 33:8 wold 26:8 words 23:23 works 14:23 wouldn't 28:18 wrong 13:25 14:11 30:8</p> <hr/> <p style="text-align: center;">X</p> <p>X 2:1 3:1</p> <hr/> <p style="text-align: center;">Y</p> <p>yard 30:3 Yeah 12:20 year 10:20 yearly 9:11 years 11:25 14:12 23:14 27:10 29:24,24</p> <hr/> <p style="text-align: center;">Z</p> <p>Zerna 2:9 8:25 9:9,13 10:4,8 10:10,11,17,24 11:14,18,19,19 11:22 12:8,12 15:12,15,19 16:1,4,18,23 17:3,12,18 18:14,24 19:2,8 19:21 20:7,12 21:11,17,22 22:3,7,10,13,18 22:21,22 23:1 23:11,17,20 24:2,5,7,11,14 24:15 25:6,10</p>	<p>25:12,16,22 26:22 27:18,25 28:3,6,11,18,22 29:7,10 31:5 Zerna's 10:6,15 Zielke 2:5,10 4:9 5:3,10,12,14,16 5:18,20,22 6:3 7:12,14,17 9:3 12:7 20:5,11 26:3 30:9,17 31:17,19,21,23 31:25 32:2 zoning 1:1,2 3:6 4:8 7:18,21 8:3 8:16,19 9:5,11 10:7,14 11:7 23:9 26:16 29:21 30:6,16 30:20 32:3</p> <hr/> <p style="text-align: center;">\$</p> <p>\$750 17:6 18:15</p> <hr/> <p style="text-align: center;">0</p> <p>01 14:7</p> <hr/> <p style="text-align: center;">1</p> <p>10 27:9 100 9:8 10:1 16:25 21:7 100114 9:6 10:16 11 2:11 27:9 12 18:19 12-vehicle 25:4 13 9:10 15 2:12 160219 2:9 8:25 19 10:6,10,14 19th 15:17 1987 14:3 20:20 28:7</p> <hr/> <p style="text-align: center;">2</p> <p>20 9:10 11:4 200 13:16 2001 3:5 7:19 14:3</p>
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PUBLIC HEARINGS 11/29/2016

2010 9:10 10:25 11:4 2013 13:20 17:19 28:12 2015 9:12 2016 1:12 2:7 5:2 10:7,11,14 2017 17:17 2229 21:6 27 14:3,17 15:4 29 1:12 2:13 5:2 <hr/> 3 <hr/> 3 2:7 30 14:12 314 4:16 32 2:14 33 2:15 <hr/> 4 <hr/> 4 10:19 4/5 11:10 400 1:5 406 12:21 <hr/> 5 <hr/> 5 2:3,4 11:19 50 19:14 52 11:23 54.1 11:24 12:1 <hr/> 6 <hr/> 6 2:5 60 16:7,10 19:14 63084 1:6 63089 11:20 63101 4:15 644-2191 4:16 <hr/> 7 <hr/> 7 2:6,10 3:4,6,7,8 7:00 1:13 7:53 32:20 70-foot 16:8,10 711 4:14 750 21:23 23:6 <hr/> 9 <hr/>	9 9:12 90 10:19			
---	----------------------------------	--	--	--