

**PALM BEACH COUNTY
BOARD OF ADJUSTMENT**

Thursday, January 17, 2002
9:05 a.m. - 9:15 a.m.
100 South Australian Avenue
West Palm Beach, Florida

Reporting:

Sophie M. (Bunny) Springer
Notary Public

ATTENDEES

Robert E. Basehart, Chairman

Chelle Konyk, Vice Chairman

Mr. Raymond Puzzitiello

Mr. Bart Cunningham

Jon MacGillis, Principal Planner

David Cuffe, Civil Engineer II, Land Development

Amy Petrick, Asst. County Attorney

Alan Seaman, Senior Planner, Zoning

Miradieu Aubourg, Jr., Planner I

Janet Quinn, Secretary

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PROCEEDINGS

~~CHAIRMAN BASEHART~~: I'd like to call to order the January 17, 2002 Palm Beach County Board of Adjustment Meeting.

First item on the agenda is roll call.

~~MS. QUINN~~: Ms. Nancy Cardone.

~~MS. CARDONE~~: (No response.)

~~MS. QUINN~~: Mr. Joseph Jacobs.

~~MR. JACOBS~~: (No response.)

~~MS. QUINN~~: Ms. Chelle Konyk.

~~VICE CHAIRMAN KONYK~~: Here.

~~MS. QUINN~~: Mr. Ray Puzzitiello.

~~MR. PUZZITIELLO~~: Here.

~~MS. QUINN~~: Mr. William Sadoff.

~~MR. SADOFF~~: (No response.)

~~MS. QUINN~~: Mr. Bart Cunningham.

~~MR. CUNNINGHAM~~: Here.

~~MS. QUINN~~: Mr. Stanley Misroch.

~~MR. MISROCH~~: (No response.)

~~MS. QUINN~~: Mr. Jonathan Gerber.

~~MR. GERBER~~: (No response.)

~~MS. QUINN~~: And Mr. Bob Basehart.

~~CHAIRMAN BASEHART~~: Here. We have a quorum.

We also in our folder have the proof of publication for the meeting, which was published in the Palm Beach Post December 30th.

Why don't we just say that this is entered into the record.

Next item is remarks of the Chairman. For the vast audience out there we'll explain. The way the agenda works here is it's broken into two parts. We have the consent agenda, which are items that have been recommended for approval by the staff where if conditions are recommended the applicant knows of them and has agreed with them, and where there's been no indication of opposition from the public.

Board members have all received our staff reports. We've all read them and if no Board member feels one of those consent items should be pulled and no one is here to raise an objection, then all the consent items will be approved as a group and no presentation will be required. The record of the hearing becomes the staff report. We will ask each applicant to acknowledge their agreement with conditions.

The second part of the agenda, which there isn't this month, is the regular agenda and those are items where one of those conditions hasn't been met. Then there will be a full hearing on those items and then the Board will vote individually on them.

Okay. I don't have anything else to say this morning. Any other member of the Board have anything?

(No response.)

~~CHAIRMAN BASEHART~~: Seeing none, the next item is the approval of the minutes. We all received them with our packet for the December, 2001, meeting. Anybody have any changes?

(No response.)

~~CHAIRMAN BASEHART~~: Okay. Then I think we're ready for a motion to adopt the December minutes.

~~VICE-CHAIRMAN KONYK~~: I'll make the motion to approve the December minutes.

~~MR. CUNNINGHAM~~: Second.

~~CHAIRMAN BASEHART~~: We have a motion by Ms. Konyk, a second by Mr. Cunningham.

All those in favor?

~~BOARD~~: Aye.

~~CHAIRMAN BASEHART~~: Opposed?

(No response.)

~~CHAIRMAN BASEHART~~: The minutes are adopted. Remarks of the director. Jon?

~~MR. MacGILLIS~~: I did get a call from Mr. Sadoff, the new Board member, this morning apologizing. He is gravely ill and couldn't make it. He said he'll be here next meeting, so he'll be sworn in at the February meeting.

And I believe we spoke to Commissioner McCarty's office. She is going to reappoint Mr. Jacobs. So that will be February. It's going to the February BCC meeting.

~~CHAIRMAN BASEHART~~: So he's not here because he's not on the Board right now?

~~MR. MacGILLIS~~: Exactly. He's not a member.

~~VICE-CHAIRMAN KONYK~~: So we kind of had that glitch again, huh? Hmm, I thought we solved it.

~~MR. MacGILLIS~~: Those are the only comments. ~~CHAIRMAN BASEHART~~: Okay. Then let's get to -- there are no withdrawals or postponements.

~~MR. MacGILLIS~~: No.

~~CHAIRMAN BASEHART~~: The first item --

~~MR. MacGILLIS~~: The subdivision item -- sorry, Mr. Chairman, the BOFA2002-001 and the SD-104 are related. Both are Pratt-Whitney, so if the Board -- they're both on the consent agenda, so I don't know if we need a presentation on it, but this is just to accommodate the -- Pratt-Whitney is doing some major changes to the site to accommodate new users on part of the site that's not currently being used due to the downsizing of Pratt-Whitney.

What they're doing, they rezoned a lot of that property from IG to various multiple plan use developments to accommodate new tenants on those parcels.

Due to that, most of what's happening here is infrastructure. Everything is in the ground, the landscaping. So what they're seeking the variance for is because of the existing situation and trying to accommodate our new code. So staff has no problem with it, and they are going in and upgrading landscaping. We have the agent here; he can explain it.

They did go to BCC, I believe it was this week?

~~UNIDENTIFIED SPEAKER~~: BCC is next week.

~~MR. MacGILLIS~~: Okay. They're going to the BCC next week to get all the Planned Unit Developments. They needed these variances first because they were make or break. If they didn't get them, they would have to redesign the sites at extreme cost and major redesign of the site, so.

And staff would just like to clarify this color graphic. I want it on the record so there's no miscommunication later on because there is still some other redesign of the site going on that aren't included in some of those color parcels that may affect -- the new lot lines may affect existing setbacks which were not part of this variance and they sort of came up this week when somebody was reviewing a plat. We want it on the record and we've spoken to the agent so there's no confusion that they were not included with this variance application.

~~CHAIRMAN BASEHART~~: Okay. So conceivably this project, not these variances, but this project could be back again for some additional variances?

~~MR. MacGILLIS~~: Right.

~~MR. SEAMAN~~: And one more point of clarification, that exhibit that we're looking at up there when we get into the meeting, the areas of color that we're working with are the green, the yellow, the blue, the orange and the red. Those color areas are the subject of the variance only. Anything else on there is not part of the variance.

~~CHAIRMAN BASEHART~~: Okay.

~~VICE-CHAIRMAN KONYK~~: I thought it was on the consent.

~~MR. MacGILLIS~~: Well, we just want that clarified for the record because we spoke to the Zoning Director yesterday and the agent and --

~~VICE-CHAIRMAN KONYK~~: I just thought maybe Alan wanted to point out the pretty colors on his map.

~~CHAIRMAN BASEHART~~: He hasn't quit, too, has he?

~~MR. PUZZITIELLO~~: Two weeks of work are sitting right there, okay.

~~MR. SEAMAN~~: I told him be sure --

~~VICE-CHAIRMAN KONYK~~: Alan, so we could get more time for your map, do you think we should pull it off the consent?

~~CHAIRMAN BASEHART~~: Okay. Let's go to consent.

First item is BOFA2002-001, Gee & Jenson, and that's this application. Actually, yes, the subdivision one we'll get to that after the middle one, but -- well, why don't we just talk about those two? They're the same project, right?

~~MR. MacGILLIS~~: Correct.

~~VICE-CHAIRMAN KONYK~~: 001 and 002, you mean?

~~CHAIRMAN BASEHART~~: No, 001 and SD-104 are really the same project. Is the applicant here? Obviously he is. If you'd give us your name for the record?

~~MR. MASSARELLI~~: My name is Bob Massarelli. I'm with Gee & Jenson, 1 Harvard Circle, West Palm Beach.

~~CHAIRMAN BASEHART~~: Okay. The staff has recommended approval of both variances. There's one condition with BOFA2002-001. Are you familiar with that?

~~MR. MASSARELLI~~: Yes.

~~CHAIRMAN BASEHART~~: Do you agree with it?

~~MR. MASSARELLI~~: Yes.

~~CHAIRMAN BASEHART~~: No conditions with the subdivision variance?

~~MR. CUFFE~~: Correct.

~~CHAIRMAN BASEHART~~: Okay. Is there any member of the public here to speak in favor or in opposition of this item?

(No response.)

~~CHAIRMAN BASEHART~~: Seeing none, any member of the Board feel this needs to be pulled, either one of these?

~~VICE-CHAIRMAN KONYK~~: No.

~~CHAIRMAN BASEHART~~: We'll leave them both on consent.

STAFF RECOMMENDATIONS

Approval with conditions, based upon the following application of the standards enumerated in Article 5, Section 5.7.E. of the Palm Beach County Unified Land Development Code (ULDC), which a petitioner must meet before the Board of Adjustment may authorize a variance.

ANALYSIS OF ARTICLE 5, SECTION 5.7.3 VARIANCE STANDARDS

1. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME DISTRICT:

YES. This 92.37-acre site, known as a portion of the Pratt & Whitney Business Park in north Palm Beach County has unique conditions that warrant special consideration when applying the literal intent of the MUPD provisions. The Business Park was begun in the 1950's prior to the adoption of the current unified land development code. The applicant currently has an application for a zoning amendment to rezone the property from IG (Industrial General) to several Multiple Use Planned Developments (MUPDs). The rezoning of the land from IG to MUPD will utilize the existing sites and buildings constructed some 20 to 50 years ago. These sites and the existing buildings will not meet several of the current MUPD code criteria for site design. It is therefore

necessary to address the noncompliance issues by considering the minimum variances necessary to bring the project into compliance with the code. Therefore, the granting of the seven requested variances from the regulations for an MUPD is reasonable and related to the special conditions of the land and proposed use of the property.

2. SPECIAL CIRCUMSTANCES AND CONDITIONS ARE THE RESULT OF ACTIONS OF THE APPLICANT:

NO. The applicant has historically obtained all the necessary approvals and permits for the Business Park as it developed through the years, beginning in the early 1950s. Current employment, however, at the facilities has declined from a high of 9,900 to the current 2,460. Some of the buildings are no longer needed to support the present operations. United Technologies desires to sell these surplus buildings for compatible office and industrial uses together with compatible supporting, accessory and ancillary uses, facilitating the continuation and further development of the manufacturing and research and development area. To that end, the applicant has initiated an application for a zoning amendment to rezone the property from IG (Industrial General) to several Multiple Use Planned Developments (MUPDs). In doing so, several of the MUPD ULDC design standards will not be met and will require variance relief.

The seven proposed variances, therefore, **are not** self-created and warrant special consideration when applying the literal intent of the code. The special circumstances have been created through the action of the County adopting the ULDC and the subsequent revisions.

3. GRANTING THE VARIANCE SHALL CONFER UPON THE APPLICANT SPECIAL PRIVILEGE(S) DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDING OR STRUCTURES IN THE SAME DISTRICT:

NO. The granting of the seven requested variances **will not** confer any special privileges on the applicant. The applicant has demonstrated that the project is unique and warrants special consideration when applying the literal interpretation of the code provisions. The only physical change for the parcels affected by the proposed MUPDs will be a different entrance than the customary one used for the main Business Park. The new entrance will allow access to a similar mix of uses/tenants and users as the main facility, but that will need less access security. Recommending approval of the variances, therefore, is based on the fact that all other aspects of the previous sites remain the same. The existing approved square footage, the site layouts, similar tenant-types all remain unchanged in the new MUPDs.

4. A LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WILL DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN THE SAME DISTRICT AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:

YES. The literal intent of the MUPD provisions **will place a hardship** on the applicant, if applied literally. The applicant has historically obtained all the necessary approvals and permits for the Business Park as it developed through the years, beginning in the early 1950s. Current employment, however, at the facilities has declined from a high of 9,900 to the current 2,460. The only physical change for the parcels

affected by the proposed MUPDs will be a different entrance than the traditional one used for the main Business Park. The new entrance will allow access to a similar mix of uses/tenants and users as the main facility, but that will need less access security.

The literal interpretation of the required minimum/maximum number of parking spaces would prevent the applicant from meeting the parking requirements of the off-street parking and create a hardship in that a portion of the existing buildings would have to be torn down, left unused and require the applicant to completely redesign a permitted and constructed retention pond that has been operational for almost 20 years.

5. THE APPROVAL OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL ALLOW A REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:

YES. The granting of the seven requested variances will allow the project to move forward. The Business Park was begun in the 1950s prior to the adoption of the current unified land development code. The applicant currently has an application submitted for a zoning amendment to rezone the property from IG (Industrial General) to several Multiple Use Planned Developments (MUPDs). The rezoning of the land from IG to MUPD will utilize the existing sites and buildings constructed some 20 to 50 years ago. These sites and the existing buildings will not meet several of the current MUPD code criteria for site design. It is, therefore, necessary to address the noncompliance issues by considering the minimum variances necessary to bring the project into compliance. The only physical change for the parcels affected by the proposed MUPDs will be a different entrance than the customary one used for the main Business Park. The new entrance will allow access to a similar mix of uses, tenants and users as the main facility, but that will need less access security. The minimum variances have been requested to allow a reasonable use of the existing land configurations, buildings and parking lot geometrics. Anything less would require a portion of the existing buildings to be torn down or left unused and require the applicant to completely redesign a permitted and constructed retention pond that has been operational for almost 20 years. The seven variances requested, therefore, **are justified and warranted** when the alternative of considerable demolition is considered.

6. GRANT OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:

YES. The overall project has, in general, all the required approvals to comply with the intent of the Comp Plan EDC designation. The United Technologies Corporation (Pratt-Whitney) Protection Area Overlay District, and ULDC code provisions. It is the intent of the code to allow developments to move forward that are in compliance with the general provisions of the Comp Plan and ULDC. The applicant can satisfy all code requirements, if the variances are approved. It is the intent of the ULDC to provide adequate parking to meet the needs of the tenants and users of the site. It is also the intent of the MUPD to encourage projects that foster unity between various uses. In this situation, the variances will ensure reasonable resolution to the design conflicts related to the current facilities (i.e., existing buildings, parking, site configurations) as they change over from IG to MUPD zoning status.

7. THE GRANT OF THE VARIANCE WILL BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC

WELFARE:

NO. The variances will ensure a reasonable resolution of the design conflicts related to the current facilities (i.e., existing buildings, parking, site configurations) as they "changeover" from IG to MUPD zoning status. The Pratt & Whitney Business Park in northern Palm Beach County was begun in the 1950s prior to the adoption of the current unified land development code. The new MUPDs will utilize the **existing sites and buildings constructed some 20 to 50 years ago**. The only physical change for the parcels affected by the proposed MUPDs will be a different entrance than the customary one used for the main Business Park. The granting, therefore, of the seven requested variances from the regulations for an MUPD would not be detrimental to the public welfare.

ENGINEERING COMMENT

No comments. (ENG)

SURVEY SECTION

The Limits of the variance are not clear. Survey and digital legal provided do not incorporate all of the areas shown on the site plan. **(ENG)**

ZONING CONDITIONS

1. The property owner shall provide the Building Division with a copy of the Board of Adjustment Result Letter and a copy of the Site Plan presented to the Board, simultaneously with the building renovation permit application. **(BLDG PERMIT-BLDG)**

~~CHAIRMAN BASEHART:~~ And the only other item on the agenda is BOFA2002-002, David Cram.

~~MR. KOLBECK:~~ Mr. Cram couldn't be here this morning. My name is Wayne Kolbeck. I'm the homeowner.

~~CHAIRMAN BASEHART:~~ Okay. Staff has recommended approval of your variance with three conditions. Are you familiar with them?

~~MR. KOLBECK:~~ Yes, I am.

~~CHAIRMAN BASEHART:~~ And do you agree with them?

~~MR. KOLBECK:~~ Yes, I do.

~~CHAIRMAN BASEHART:~~ Okay. Other than the staff I don't see anybody else in the audience, so I would guess that there is no opposition to this item. Any letters?

~~MR. MacGILLIS:~~ There are no letters on this or the Pratt-Whitney site.

~~CHAIRMAN BASEHART:~~ Okay. Any member of the Board feel this needs to be pulled?

(No response.)

~~CHAIRMAN BASEHART:~~ Okay. We'll leave this on consent as well.

STAFF RECOMMENDATIONS

Approval with conditions, based upon the following application of the standards enumerated in Article 5, Section 5.7.E. of the Palm Beach County Unified Land Development Code (ULDC), which a petitioner must meet before the Board of Adjustment may authorize a variance.

ANALYSIS OF ARTICLE 5, SECTION 5.7.3 VARIANCE STANDARDS

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YES. This .24 acres is located at 8882 Georgetown Ln within the Aberdeen PUD Plat No. 24. As previously stated, the land use designation is LR3 and the Zoning classification is RS. The lot supports a 3,975 square foot single family dwelling constructed in 2000 (B01010376). The applicant is requesting a variance for an existing screen roof enclosure to encroach into the side interior setback. The applicant applied for and was granted a pool, spa and deck permit (PR0112680). When the contractor designed the deck, it encroached into the side interior setback, which is permitted by Code since the deck is less than 3 feet in height. However the applicant later decided to construct a screen enclosure over the entire deck resulting in a side interior setback encroachment.

2. SPECIAL CIRCUMSTANCES AND CONDITIONS ARE THE RESULT OF ACTIONS OF THE APPLICANT:

NO. Special circumstances and conditions **are not** the result of actions of the applicant. The property owner did not intend to construct the screen enclosure into the side interior setback. The existing 16'x32' in-ground pool spa and deck (PR0112680) was constructed within the required setback. The applicant constructed the permitted paver deck in the side interior setback to allow enough deck around the pool. The applicant is acting in good faith to obtain all necessary permits through the contractor Van Kirk and Sons, Inc. The applicant is requesting the minimum variance to continue to make a reasonable use of the land. If the variance is approved, the applicant will be able to meet the current ULDC Zoning requirements for side interior setback in RS Zoning District for the screen roof screen enclosure.

3. GRANTING THE VARIANCE SHALL CONFER UPON THE APPLICANT SPECIAL PRIVILEGE(S) DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDING OR STRUCTURES IN THE SAME DISTRICT:

NO. The subject lot is similar to other lots within Aberdeen PUD. This variance is justified since this subdivision supports other homes with screen roof screen enclosures and will allow the applicant the ability to enjoy the limited outdoor area. In addition, several other property owners within the Aberdeen PUD were granted variances for swimming pool or screen enclosure into the required setback. In addition, the 6' hedge and 6' iron fence between the subject lot 123 and the adjacent lot 124 to the north will mitigate any negative impact associated with the variance. The location of the screen enclosure is subject to the pool location, therefore, the applicant has no other design options to eliminate the screen roof screen enclosure setback variance. **No special privilege** will be granted to this property owner if the variance is granted.

4. A LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WILL DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN THE SAME DISTRICT AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:

YES. A literal enforcement of the provision of the code **will deprive** the applicant of rights commonly enjoyed by other parcels of land in the same District. To require the applicant to demolish the existing screen roof screen enclosure to comply with the code is not a viable or reasonable option. The setbacks for residential properties establish and maintain continuity of structures from property line. Considering the applicant is requesting a 1.5 foot variance for only a small portion of the side interior setback, the existing screen roof screen enclosure can meet the code intent. If the variance is approved the applicant will be able to receive a final approval on the screen roof screen enclosure.

5. THE APPROVAL OF VARIANCE IS THE MINIMUM VARIANCE THAT WILL ALLOW A REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:

YES. The applicant is requesting a variance to allow an existing screen roof screen enclosure to remain in the side interior setback. The existing pool is setback 13 feet from the side interior property line and the screen roof screen enclosure is setback at 6 feet from the property line. The requested variance for the screen roof screen enclosure is 1.5 feet. Considering there is a 6' Midnight Jasmine hedge and 6' fence along the side interior property line which serves as an adequate separation and buffer to mitigate the impact of the variance between the subject lot and the lot to the north affected by this minor variance. Granting of this variance **is the minimum** variance that would allow a reasonable use of the lot.

6. GRANT OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:

YES. Granting the variance **will be consistent** with the purposes, goals, objectives and policies of the comprehensive plan and this code. The general intent of the setbacks for accessory structures is to ensure minimum distance between property lines and principal structures on the lots. Granting the requested variance **will be** consistent with the general intent of the setback requirements. The proposed 6 foot setback in addition with the existing iron fence and hedge between the applicant property and the property affected by the variance will mitigate the setback encroachment.

7. THE GRANT OF THE VARIANCE WILL BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:

NO. Granting the variance **will not** be injurious to the neighborhood. The ULDC established setbacks so all structures will be at a consistent distance from property lines. The only property owner affected by the setback encroachment is to the north. This existing screen roof screen enclosure will be screened by the existing hedge and fence between the subject and the property affected by the variance.

ENGINEERING COMMENT

No comments. (ENG)

ZONING CONDITIONS

1. The development order for this particular variance shall lapse on January 17, 2003, one year from the approval date. The applicant may apply for an extension provided they complete the time extension application prior to the original Development Order expiring. (DATE: MONITORING-Zoning)

2. By March 17, 2002, the applicant shall provide the Building Division with a copy of the Board of Adjustment Result Letter and revised survey in order to finalize for the screen roof screen enclosure. (DATE: MONITORING-BLDG PERMIT)

3. The screen roof screen enclosure shall not be enclosed with solid walls or be converted into an enclosed space. (ONGOING)

~~CHAIRMAN BASEHART:~~ And that completes the items and we're ready for a motion.

~~VICE-CHAIRMAN KONYK:~~ I'll make a motion to approve BOFA2002-001, BOFA2002-002 and SD-104 with the staff report becoming part of the record, including the map.

~~MR. PUZZITIELLO:~~ The colored version.

~~VICE-CHAIRMAN KONYK:~~ The colored version.

~~CHAIRMAN BASEHART:~~ Motion by Ms. Konyk.

~~MR. PUZZITIELLO:~~ Second.

~~CHAIRMAN BASEHART:~~ Second by Mr. Puzzitiello.

All those opposed?

(No response)

~~CHAIRMAN BASEHART:~~ In favor?

~~BOARD:~~ Aye.

~~CHAIRMAN BASEHART:~~ Motion carries. Okay. Those items are approved.

We have one other item on the agenda and that is our attendance report for last month. Last month everybody was here including an alternate who wasn't needed. So I guess we don't need to excuse anybody's absence.

Okay. We're ready for a motion to adjourn.

~~VICE-CHAIRMAN KONYK:~~ I make the motion that we adjourn.

~~CHAIRMAN BASEHART:~~ Motion by Ms. Konyk.

~~MR. CUNNINGHAM:~~ Second.

~~CHAIRMAN BASEHART:~~ Second by Mr. Cunningham.

All those in favor?

~~BOARD:~~ Aye.

~~CHAIRMAN BASEHART:~~ Opposed?

(No response.)

~~CHAIRMAN BASEHART:~~ Meeting is adjourned.

(Whereupon, the meeting was adjourned at 9:15 a.m.)

* * * * *

CERTIFICATE

THE STATE OF FLORIDA)

COUNTY OF PALM BEACH)

I, Sophie M. Springer, Notary Public, State of Florida at Large,

DO HEREBY CERTIFY that the above-entitled and numbered cause was heard as hereinabove set out; that I was authorized to and did report the proceedings and evidence adduced and offered in said hearing and that the foregoing and annexed pages, numbered 4 through 16, inclusive, comprise a true and correct transcription of the Board of Adjustment hearing.

I FURTHER CERTIFY that I am not related to or employed by any of the parties or their counsel, nor have I any financial interest in the outcome of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this ~~6th~~ day of February, 2002.

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Sophie M. Springer, Notary

Public.