

PALM BEACH COUNTY
BOARD OF ADJUSTMENT

Thursday, April 20, 2006
9:01 a.m. - 9:26 a.m.
100 Australian Avenue
West Palm Beach, Florida

Reporting:

Sophie M. (Bunny) Springer
Notary Public

A T T E N D E E S

Ms. Chelle Konyk, Chairperson
Mr. Robert E. Basehart, Vice Chairman
Mr. William Sadoff
Mr. Joseph Jacobs
Mr. Raymond Puzzitiello
Ms. Dinah S. Stephenson, Esquire

Annie Helfant, Assistant County Attorney
Alan Seaman, Senior Site Planner
Timothy Sanford, Site Planner I
David Flinchum, Principal Planner
Juanita James, Zoning Tech
Annette Stabilito, Secretary

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CHAIRPERSON KONYK: We'll call to order the April 20th, 2006, Board of Adjustment meeting, and we'll start with the roll call and declaration of quorum.

MS. STABILITO: Mr. William Sadoff.

MR. SADOFF: Here.

MS. STABILITO: Mr. Raymond Puzzitiello.

MR. PUZZITIELLO: Here.

MS. STABILITO: Ms. Dinah Stephenson.

MS. STEPHENSON: Here.

MS. STABILITO: Chairperson, Ms. Chelle Konyk.

CHAIRPERSON KONYK: Here.

MS. STABILITO: Vice Chairman, Mr. Robert Basehart.

VICE-CHAIRMAN BASEHART: Here.

MS. STABILITO: Ms. Nancy Cardone.

(No response)

MS. STABILITO: Mr. Joseph Jacobs.

MR. JACOBS: Here.

MS. STABILITO: Mr. Stanley Misroch.

(No response)

MS. STABILITO: Mr. Donald Mathis.

(No response)

CHAIRPERSON KONYK: Next item on the agenda is the opening prayer.

May we approach today's business as tasks of faith to do our best within our power to provide positive leadership on behalf of our community and those who live and work here, and that our decisions meet the standards of divine compassion for all. Amen.

Please join us in the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRPERSON KONYK: We have proof of publication in the April 2nd Palm Beach Post.

For those of you who are not familiar with how this Board conducts its business, the meeting is divided into two parts, the Consent and the Regular Agenda.

Items on the Consent Agenda are items that have been recommended for approval by staff. The applicant agrees with any conditions, there's no opposition from the public and no Board member feels that the item warrants a full hearing.

If your item has opposition from the public or a Board member feels the item warrants a full hearing or the applicant does not agree with the conditions, then any items on the consent would be reordered to the first item on the regular agenda.

After we hear all the consent items we'll vote on those and anybody that's on the consent agenda that's received their variance is free to leave.

We'll move on to the regular agenda at this point and the items will be introduced by staff. The applicant will have an opportunity to give their presentation, staff will give their

presentation. We will hear from the public, and after the public portion of the hearing is closed we will vote on the item.

Everyone received a copy of the minutes of the 3-16-06 meeting. Does anybody have any corrections?

(No response)

CHAIRPERSON KONYK: Seeing none, could I have a motion for approval?

MR. PUZZITIELLO: So moved.

CHAIRPERSON KONYK: Motion by everybody. Okay. Motion by Mr. Puzzitiello.

Second?

MS. STEPHENSON: Second.

CHAIRPERSON KONYK: Sorry. Second by Ms. Stephenson. Sorry.

Any discussion?

(No response)

CHAIRPERSON KONYK: All those in favor?

BOARD MEMBERS: Aye.

CHAIRPERSON KONYK: Motion carries unanimously.

Remarks of the Zoning Director.

MR. SEAMAN: We have none this morning.

CHAIRPERSON KONYK: Okay. Approval of the agenda.

MR. SEAMAN: We have one additional postponement, that's consent item BA2006-00353.

CHAIRPERSON KONYK: Is this by --

MR. SEAMAN: It's by right.

CHAIRPERSON KONYK: By right. Okay. So BA2006-00353 will be postponed to a time certain?

MR. SEAMAN: May 18th.

CHAIRPERSON KONYK: May 18th, 2006.

MR. SEAMAN: And you might have noticed that we wrote on there revisit for clarification BA2006-00202, it's there actually on the agenda. So when you get to it we'll discuss it.

CHAIRPERSON KONYK: Okay. First thing we'll do is I think our newest Board member needs to take the oath. Is that correct?

MS. HELFANT: Yes.

CHAIRPERSON KONYK: Our newest Board member needs to take the oath, which -- have we provided it or -- you have it. Okay.

After we do that then we'll proceed with the rest of the meeting.

MS. HELFANT: Please raise your right hand. (Whereupon, Ms. Stephenson raises her right hand.)

MS. HELFANT: Will you faithfully and impartially execute the duties of the office as a member of the Board of Adjustment of Palm Beach County according to the best of your ability and understanding?

MS. STEPHENSON: I will.

MS. HELFANT: Congratulations.

CHAIRPERSON KONYK: Okay. Any member of the public that's planning on speaking or thinks they might speak or possibly may speak, if you would stand now and be sworn in. This includes people who have issues that are on consent.

MR. PUZZITIELLO: Swear in the whole room.

CHAIRPERSON KONYK: Just everybody stand up, I guess.

(Whereupon, speakers were sworn in by Ms. Springer.)

CHAIRPERSON KONYK: First item on the agenda is for clarification, BA2006-00202. Patrick and Angela Buckley, to allow an existing single family dwelling to encroach into the required side interior setback.

I'm not quite sure what this is here for Alan, so if you want to --

MR. SEAMAN: Sure. On March 16th the Board approved the petition for these folks that you just read off to build an addition to their home. The addition to their home met all the required setbacks.

It's the existing residence that is non-conforming and didn't meet the side interior. So in order to bring that existing non-conforming structure into compliance with the Code, we need to request a variance.

Unfortunately, staff made a mistake and if you'll see the loose staff report there, we've indicated that we referenced under required, we had 7 ½ feet, but we should have put 14.2 feet. The

proposed setback, side interior setback was 4.1, which remains the same. But the variance instead of being 3.5 feet is actually 10.2 feet.

We just needed to have -- we didn't feel we needed to re-advertise it because it's the same variance, the same location. It's an existing structure. And we just needed to clarify that we had the actual dimensions wrong.

CHAIRPERSON KONYK: You think that we didn't need to re-advertise so we didn't re-advertise?

MR. SEAMAN: Well, we talked with the attorney and she said no, that it was --

CHAIRPERSON KONYK: Because it is substantially more of a variance now.

MR. SEAMAN: It is, but remember the home is non-conforming, it's existing.

CHAIRPERSON KONYK: Correct.

MR. SEAMAN: And regardless of what the variance would be it makes no difference in the location of the home, it's existing.

CHAIRPERSON KONYK: And I'm sure that there was no opposition from the public at the last hearing?

MR. SEAMAN: No. It was on consent.

CHAIRPERSON KONYK: So I personally don't see any problem with this. Is this something that we need to vote on or we just need to note.

Would it be a good idea to vote on it?

MS. HELFANT: You can vote on it.

CHAIRPERSON KONYK: Okay. Everybody has been informed of the corrections that were necessary on BA2006-00202.

Is there anyone prepared to make a motion to approve that variance as corrected?

MR. JACOBS: So moved.

VICE CHAIRMAN BASEHART: Second.

CHAIRPERSON KONYK: Mr. Jacobs has made the motion, second by Mr. Basehart.

Any discussion?

VICE CHAIRMAN BASEHART: Obviously, I support the variance but I don't understand why a variance is necessary. The Code used to say that non-conforming structures may be enlarged or expanded so long as the additions met Code.

MR. SEAMAN: Well, I think it's been the policy of the current Zoning Director that if you have a non-conforming structure and you're coming in for an expansion, the expansion, the room addition has to meet current setbacks.

But if the existing structure does not, we need to add that to the variance.

VICE CHAIRMAN BASEHART: But doesn't the Code still say that non-conforming structures can be expanded as long as the new construction meets the setbacks?

MR. PUZZITIELLO: It's non-conforming.

MR. SEAMAN: I'm not aware of that.

VICE CHAIRMAN BASEHART: You know, I mean, it just seems like we're dragging people through an unnecessary process.

MR. SEAMAN: Well, that's noted.

CHAIRPERSON KONYK: Twice.

MR. SEAMAN: And we can look into it and if you are correct and staff is incorrect, we'll make sure that doesn't happen again.

VICE CHAIRMAN BASEHART: I mean, I've been around her for 134 years.

MR. SEAMAN: And how many times have we changed the Code?

CHAIRPERSON KONYK: He knows everything, though.

VICE CHAIRMAN BASEHART: As far as I know the Code has not changed and it always used to be interpreted that as long as what you wanted to build met Code then the Code recognized the existing non-conforming structure and you didn't have to get a variance.

I just -- if there's been a change in policy, I'd like to know why.

MR. SEAMAN: I'd be very happy to look into it, but I've been here for five years now and the policy as I've known it is that we actually bring something that's non-conforming into compliance with the Code.

MR. SADOFF: But a 139 years is a heck of a lot more than five.

VICE CHAIRMAN BASEHART: That's right.

MR. SEAMAN: Well, that point is well taken.

CHAIRPERSON KONYK: Have we done this before?

MR. SEAMAN: Yes.

CHAIRPERSON KONYK: Okay. So --

VICE CHAIRMAN BASEHART: If you would check it out, I mean I just --

MR. SEAMAN: I will and I'm going to e-mail you this afternoon.

VICE CHAIRMAN BASEHART: Okay. Thank you.

CHAIRPERSON KONYK: Okay. So we have a motion and we had a second. We had the discussion. All those in favor?

BOARD MEMBERS: Aye.

CHAIRPERSON KONYK: Opposed?

(No response)

CHAIRPERSON KONYK: Motion carries unanimously. Your variance has been corrected.

BOARD OF ADJUSTMENT CONDITIONS

1. By **5/16/2006**, the applicant 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 of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
2. Prior to the Development Order expiration (**3/16/2007**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

CHAIRPERSON KONYK: We have a postponed item, BA2006-00352. Is this by right?

MR. SEAMAN: By right. We're going to do some redesign discussions and it's until May 18th.

CHAIRPERSON KONYK: Okay. May 18th.

CHAIRPERSON KONYK: Next item postponed is BA2006-00358. Is that by right?

MR. SEAMAN: By right. Thirty days to May 18th and we have a legal ad that was put out wrong so we need to redo it.

CHAIRPERSON KONYK: Good. Thank you.

CHAIRPERSON KONYK: Next item has been postponed until May 18th.

First item on the consent is BA2006-00354. Brian Benedict, agent, for Santos and Maria Ruiz, owners, to allow a proposed detached garage to exceed 25% of the lot width.

Your name for the record?

MR. BENEDICT: Brian Benedict.

CHAIRPERSON KONYK: Staff has recommended two conditions. Do you understand and agree with those?

MR. BENEDICT: Yes, I do. I think they were just -- let me clarify. Have to meet the first building inspection date and submit the same site plan to the Building Department for approval.

CHAIRPERSON KONYK: Correct.

MR. BENEDICT: No, that's not an issue.

CHAIRPERSON KONYK: Okay. Is there any member of the public here to speak against this item?

(No response)

CHAIRPERSON KONYK: Any letters?

MR. SEAMAN: There are none.

CHAIRPERSON KONYK: Any Board member feel this item warrants a full hearing?

(No response)

CHAIRPERSON KONYK: Seeing none, you item

will remain on consent. You can have a seat until the end of the consent.

Annette, are the letters being mailed?

MS. STABILITO: Yes.

CHAIRPERSON KONYK: Do we do that all the time now, mail them?

MR. SEAMAN: Yes.

CHAIRPERSON KONYK: Okay.

BOARD OF ADJUSTMENT CONDITIONS

1. By **4/20/2007**, the applicant 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 of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
2. Prior to the Development Order expiration (**4/20/2007**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

CHAIRPERSON KONYK: Okay. BA2006-00359. Christopher Burch, owner, to allow a proposed attached garage to encroach into the required front setback.

Did I skip one? I'm sorry.

BA2006-00356, Robert and Arlene Benowitz, owners, to allow the required translucent window material along the zero lot line to be replaced with clear glass. Sorry.

Your name for the record.

MS. NABRIDGE: Margie Nabridge. Margie Nabridge. I'm on here for it.

CHAIRPERSON KONYK: Okay. Staff has recommended three conditions. Do you understand and agree with those?

MS. NABRIDGE: If I could find them, I would. I can't find them on here. I don't know where they are.

MR. PUZZITIELLO: Page 15.

MR. SEAMAN: I'm looking -- I'm not quite understanding this -- the people who are, Robert & Arlene Benowitz are the owners.

CHAIRPERSON KONYK: She's the agent.

MS. NABRIDGE: I'm the agent.

CHAIRPERSON KONYK: It says it right here, agent, Marge Nabridge, on page 11.

MR. SEAMAN: Okay. So we have consent for you to represent them?

MS. NABRIDGE: Yes.

Okay. I agree.

CHAIRPERSON KONYK: Any member of the public here to speak against this item?

(No response)

CHAIRPERSON KONYK: Any letters?

MR. SEAMAN: There are none.

CHAIRPERSON KONYK: Any Board member feel this item warrants a full hearing?

(No response)

CHAIRPERSON KONYK: Seeing none, you may have a seat. We'll vote on the consent at the end.

BOARD OF ADJUSTMENT CONDITIONS

1. By **7/20/2006**, the applicant 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 of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
2. Prior to the Development Order expiration (**4/20/2007**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)
3. By **7/20/2006**, the Approved Site Plan for **Cypress Woods (P-86-98)** shall be amended through the DRO section of the Zoning Division, to reflect the variance approval pursuant BA-2006-356. (DRO: DATE: ZONING)

CHAIRPERSON KONYK: Okay. BA2006-00359. Christopher Burch, owner, to allow a proposed attached garage to encroach into the required front setback.

Name?

MR. BURCH: Christopher Burch.

CHAIRPERSON KONYK: Staff has recommended two conditions. Do you understand and agree with those?

MR. BURCH: Yes, I do.

CHAIRPERSON KONYK: Is there any member of the public here to speak against this item?

VICE CHAIRMAN BASEHART: Yep, we have one.

CHAIRPERSON KONYK: Yeah, we have one. And it's directly related to the variance itself? Okay. I guess we'll reorder. Reorder it?

VICE CHAIRMAN BASEHART: Pull it.

CHAIRPERSON KONYK: Pull it from the consent and it will be the, hopefully the only item on the regular. Have a seat.

MR. BURCH: Thank you.

CHAIRPERSON KONYK: Next it a time extension, BATE2006-00460. Scott Levine. Are you present?

MR. SEAMAN: He's not here.

CHAIRPERSON KONYK: Scott Levine is not present? Okay.

This is a time extension, it wasn't advertised. I'm going to ask anyway if there's any member of the public here to speak against this time extension?

(No response)

CHAIRPERSON KONYK: Any letters?

(No response)

CHAIRPERSON KONYK: Any Board member object to this time extension?

VICE CHAIRMAN BASEHART: Staff's recommending approval. I think it's justified. So I'm willing to move forward with it on consent.

CHAIRPERSON KONYK: Okay. So BATE2006-00460 will remain on consent.

DEVELOPMENT ORDER

The Development Order for this particular variance shall lapse on April 27, 2007, one year from the approval date. (DATE: MONITORING: ZONING)

BOARD OF ADJUSTMENT CONDITIONS

1. By **April 21, 2006**, the applicant shall obtain a building permit for the proposed townhomes in order to vest the variance approved pursuant to BA-2005-290.

IS HEREBY AMENDED TO READ:

1. By **April 21, 2007**, the applicant shall obtain a building permit for the proposed townhomes in order to vest the variance approved pursuant to BA-2005-290.

CHAIRPERSON KONYK: Next item is SD-128.
City Place Investors, et cetera.

Your name for the record.

MR. PERRY: Marty Perry.

CHAIRPERSON KONYK: Staff has recommended approval with five conditions. Do you understand and agree with those?

MR. PERRY: Yes, we do.

CHAIRPERSON KONYK: Any member of the public here to speak against this item?

(No response)

CHAIRPERSON KONYK: Any letters?

MR. SEAMAN: Where's Larry?

CHAIRPERSON KONYK: I don't know. Well, you don't think we need him, do we?

MR. SEAMAN: I can't tell you if there's any letters or not because this comes from subdivision.

CHAIRPERSON KONYK: Well, all my people are here. So where are yours?

VICE CHAIRMAN BASEHART: Things just haven't been the same since Dave left.

MR. SEAMAN: Is he recommending approval?

MR. PERRY: He'd like to hear that, too.

CHAIRPERSON KONYK: It's recommended for approval. There's nobody here to object. I guess we're going to assume there's no letters.

MR. PERRY: I don't think there are.

CHAIRPERSON KONYK: And if there were, and they had any substance, this wouldn't be on consent, so.

VICE CHAIRMAN BASEHART: And I'm sure Larry would have been here if there were any letters.

MR. SEAMAN: I'm hoping.

CHAIRPERSON KONYK: I hope he didn't go wherever Dave went because we don't know where that is.

MR. PERRY: Publix Supermarket on Indiantown Road.

MR. SEAMAN: Maybe we need to give him a calendar.

CHAIRPERSON KONYK: All right. So this item -- any Board member feel this item should not be on consent?

(No response)

CHAIRPERSON KONYK: Seeing none, this item will remain on consent.

CHAIRPERSON KONYK: Okay. We have just heard the following items on consent: BA2006-00354; BA2006-00356; BATE2006-00460; SD-128.

And BA2006-00359 has been reordered to the

regular agenda.

VICE CHAIRMAN BASEHART: Madam Chair, I make a motion, I'd like to make a motion that all the items that you just read as remaining on consent be approved with the conditions recommended by staff and agreed to by the applicants, and I'd like the record to reflect that the staff report for each item will serve as the record of the hearing.

MR. PUZZITIELLO: Second.

MR. SADOFF: I second. I almost said so moved.

CHAIRPERSON KONYK: We have a motion and two seconds.

Motion by Mr. Basehart, second by Mr. Puzzitiello and Mr. Sadoff.

Any discussion?

(No response)

CHAIRPERSON KONYK: All those in favor?

BOARD MEMBERS: Aye.

CHAIRPERSON KONYK: Opposed?

(No response)

CHAIRPERSON KONYK: Motion carries unanimously. Anyone who remained on consent is free to leave.

MR. PERRY: Thank you.

CHAIRPERSON KONYK: Are they here for an item?

MR. SEAMAN: They were postponed, but I think it just went by them.

VICE CHAIRMAN BASEHART: Anybody that's here for Board of Adjustment application 2006-00359, Christopher Burch, should remain. Everybody else is free to leave because the items have all been acted on.

CHAIRPERSON KONYK: Okay. Mr. Burch, do you want to come forward and we'll let the staff read the legal ad.

MR. GAMEZ: Christopher Burch, owner, to allow a proposed attached garage to encroach into the required front setback. Location, 17971 122nd Drive North, approximately 280 feet south of Indiantown Road, and approximately .3 miles west of Alexander Run in the AR Zoning District.

The applicant originally requested a front setback variance of 30.97 feet. He came before the Board before and was denied on this variance.

The applicant has come back and reduced the size of the garage and the variance is currently at 16.8 feet.

CHAIRPERSON KONYK: Okay. Mr. Burch, there

are seven criteria and they have to be met in order for you to receive this variance. I guess because you were on the consent agenda originally, staff has determined that you have met the seven criteria. I think it would belabor this point if you were to be forced to go through the seven criteria again.

If you don't object, if we could hear from the opposition and maybe address those issues first.

MR. BURCH: Thank you, ma'am. I just want to make one statement that the man who is objecting, he does not live in our neighborhood, and I would like this -- if that has anything to do with it or not, I'm not really sure.

CHAIRPERSON KONYK: Well, I mean, he still gets to be heard and if it's relating to the variance and he proves that you haven't met the seven criteria, the Board may have to look at this differently, but otherwise I would just let him proceed and see what happens.

MR. BURCH: Thank you.

CHAIRPERSON KONYK: Okay. Your name for the record, first.

MR. TURNER: Greg Turner, I'm the fiancé of the neighbor living next door to Mr. Burch.

CHAIRPERSON KONYK: Okay. And then one more thing. Can you just acknowledge that you have been sworn in?

MR. TURNER: I have been sworn in.

CHAIRPERSON KONYK: Okay. And then you have something you want to give to us, is that it?

MR. TURNER: Yes.

CHAIRPERSON KONYK: Okay. I need a motion to accept.

MR. PUZZITIELLO: Motion to accept.

CHAIRPERSON KONYK: Motion by Mr. Puzzitiello. Second?

MR. SADOFF: Second.

CHAIRPERSON KONYK: Second by Mr. Sadoff.

All those in favor?

BOARD MEMBERS: Aye.

CHAIRPERSON KONYK: Make sure one goes that way. Pass all the extras that way. Thanks.

You may proceed.

MR. TURNER: I just want to make sure all the neighbors are happy and this one statement says, "So if he does decide to talk to his neighbors and come back with a mutual agreement, he can come back."

CHAIRPERSON KONYK: Okay. He redesigned the project, so it's a whole new issue.

MR. TURNER: So the neighbors really don't know of the new design, you know, so I don't know where to go from here.

VICE CHAIRMAN BASEHART: So these objections are on general principle, I mean, they don't know what the design is but they're objecting to them?

MR. TURNER: Mr. Burch has not approached any of the neighbors as far as I know.

CHAIRPERSON KONYK: This variance was advertised and posted and all those other things,

correct, Alan, it was posted, et cetera?

MR. SEAMAN: Correct.

CHAIRPERSON KONYK: So it is a new variance and the issue -- we don't -- we don't have any control over whether or not Mr. Burch speaks to his neighbors.

I think Mr. Puzzitiello was making a comment in reference to a perfect world sort of scenario and if everybody could agree that would be great, and if not, Mr. Burch has every right to bring forth his item after having advertised it, after having posted the signs, and unless you have something that specifically relates to the seven criteria, there's nothing further that we can do.

MR. PUZZITIELLO: He changed the design. What I was talking about is the design that he originally proposed, which was a much bigger garage.

MR. TURNER: Yes.

MR. PUZZITIELLO: He changed the design so this is a whole new application.

MR. TURNER: Okay. I was just making sure that all the neighbors are happy, and we want to be good neighbors to Mr. Burch, and hopefully we can patch up the differences and have a very bright future.

CHAIRPERSON KONYK: I think Mr. Burch is consenting to that. He's shaking his head yes. And that is always an ideal situation when something like this comes about and there is a neighborhood misunderstanding over it, the ultimate goal as neighbors is to be neighbors. So we appreciate you bringing that forward.

MR. TURNER: And we want to thank the council for their insight in seeing that the first design was completely out of line with the neighborhood. And it would have destroyed the neighborhood. So thank you very much.

CHAIRPERSON KONYK: Okay. Great.

VICE CHAIRMAN BASEHART: Are you acknowledging that you believe that the current application is a much better situation?

MR. TURNER: Oh, much better. And, you know, it just took this time to accomplish that. So thank you, thank you very much.

VICE CHAIRMAN BASEHART: Okay. Thanks.

CHAIRPERSON KONYK: Great. And maybe you can have a barbeque.

All right. Okay. So then you're withdrawing your objection or is someone else objecting to the variance?

MR. TURNER: You want to talk about it with Mr. Burch?

MR. BURCH: No, that's all right.

CHAIRPERSON KONYK: No, we're fine, we're fine. Unless you're bringing hamburgers. Okay.

You know why Martha Stewart went to prison; right? Not for what she did, because she wanted to talk about it. Okay. All right.

So we're moving forward with this variance. I'm going to ask for a motion if someone is prepared to make it.

VICE CHAIRMAN BASEHART: Madam Chair, I'd like to make a motion for approval for BA2006-00359. It appears that there are no objections to this issue. The staff has done an analysis and believes that the seven criteria have been met with the redesign and after having looked at the application I agree with that.

So I believe that the criteria has been met and that's the basis for my motion, of course subject to the conditions.

CHAIRPERSON KONYK: Okay. We have a motion by Mr. Basehart.

MR. SADOFF: Any motion that Mr. Basehart makes I want to second.

CHAIRPERSON KONYK: Okay. We have a second by Mr. Sadoff.

Any discussion?

(No response)

CHAIRPERSON KONYK: All those in favor?

BOARD MEMBERS: Aye.

CHAIRPERSON KONYK: Opposed?

(No response)

CHAIRPERSON KONYK: Motion carries unanimously. Let us know when the barbeque is.

BOARD OF ADJUSTMENT CONDITIONS

1. By **10/20/2006**, the applicant 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 of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
2. Prior to the Development Order expiration (**4/20/2008**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

CHAIRPERSON KONYK: We don't need a motion. We're adjourned.

(Whereupon, the meeting was adjourned at 9:26 a.m.)

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C E R T I F I C A T E

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 17, 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 1st day of May, 2006.

Sophie M. (Bunny) Springer