

PALM BEACH COUNTY
BOARD OF ADJUSTMENT

Thursday, September 21, 2006
9:05 a.m. - 10:00 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

Mr. Robert Basehart, Vice Chairman

Mr. Raymond Puzzitiello

Ms. Nancy Cardone

Mr. Joseph J. Jacobs

Ms. Dinah S. Stephenson, Attorney

Annie Helfant, Assistant County Attorney

F. Alan Seaman, Principal Planner, Zoning

C. Larry Roberts, P.E., Senior Registered Engineer

Joseph Cearley, Site Planner I

Juanita James, Zoning Tech

Annette Stabilito, Secretary

I N D E X

| <u>Petition</u> | | <u>Page</u> |
|--------------------------|--------------|-------------|
| 1 | BA2006-01169 | 6 |
| 2 | BA2006-00725 | 7 |
| 3 | BA2006-00939 | 9 |
| 4 | BA2006-01156 | 7 |
| 5 | BA2006-01158 | 8 |
| 6 | BA2006-01198 | 8 |
| 7 | BA2006-00935 | 10 |
| 8 | BA2006-01148 | 11 |
| 9 | BA2006-01157 | 13 |
| 10 | BA2006-01159 | 14 |
| 11 | BA2006-01160 | 15, 23 |
| 12 | BA2006-01165 | 16 |
| 13 | BA2006-01166 | 17 |
| 14 | BA2006-01168 | 19 |
| 15 | BA2006-01206 | 19, 22 |
| 16 | BA2006-01167 | 24 |
| CERTIFICATE OF REPORTER: | | 31 |

P R O C E E D I N G S

VICE CHAIRMAN BASEHART: I guess we're ready to get started. I'd like to welcome everyone to the September 21st, 2006, meeting of the Palm Beach County Board of Adjustment.

I think -- well, first why don't we start out with the roll call.

MS. STABILITO: Mr. William Sadoff.

(No response)

MS. STABILITO: Mr. Raymond Puzzitiello.

MR. PUZZITIELLO: Here.

MS. STABILITO: Ms. Dinah Stephenson.

MS. STEPHENSON: Here

MS. STABILITO: Chairperson, Ms. Chelle Konyk.

(No response)

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

VICE CHAIRMAN BASEHART: Here.

MS. STABILITO: Ms. Nancy Cardone.

MS. CARDONE: Here.

MS. STABILITO: Mr. Joseph Jacobs.

MR. JACOBS: Here.

MS. STABILITO: Mr. Stanley Misroch.

(No response)

MS. STABILITO: Mr. Donald Mathis.

(No response)

VICE CHAIRMAN BASEHART: Okay. We have a quorum, barely. Nobody leaves.

Next item on the agenda is the proof of publication. I have that before me, and we'll just accept that into the record.

Okay. Opening prayer and Pledge of Allegiance. I think we'll have Alan lead that.

MR. SEAMAN: I don't have -- I don't have the script.

VICE CHAIRMAN BASEHART: Okay. Well, let's --

MR. SEAMAN: I'd have to use my --

VICE CHAIRMAN BASEHART: Let's do the Pledge first. We do have a flag.

(Whereupon, Pledge of Allegiance was given.)

VICE CHAIRMAN BASEHART: Okay. 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.

Under remarks of the Chairman, all I'd like to do is to -- for those of you that aren't familiar with the proceedings of this Board explain a little bit how we work.

The agenda is broken into two parts, the consent agenda and the regular agenda.

The consent agenda consists of items where the staff is recommending approval where, if conditions are recommended, those conditions have been accepted and indicated are acceptable by the

applicant and where there's been no indication of opposition from the public. Those items do not require full discussion and presentation.

We'll -- if each and every member of the Board has read the staff report, agrees with it and has no issues that need to be discussed, those items will remain on the consent agenda. We will vote on those items all at once, and as I said no presentation needs to be made. The record of the public hearing for those items will be the staff report.

The regular items are items where the opposite has occurred where the staff is either recommending denial or denial in part or where the applicant has not agreed to accept conditions of approval or where there is an indication of opposition from relevant surrounding property owners.

Those items will require a presentation by the staff, presentation by the applicant. The Board may or may not ask questions. The public will have an opportunity to speak on the item, and then the Board will deliberate and vote on those items.

This morning so far, unless things change, I think there's only one item on the regular agenda.

MR. SEAMAN: That's correct.

VICE CHAIRMAN BASEHART: Okay. That's all the -- that's all the comment I have.

Any other member of the Board have anything they'd like to discuss?

(No response)

VICE CHAIRMAN BASEHART: Okay. Seeing none, we'll go to the approval of the minutes.

We have all received a copy of the minutes from the -- it was the August meeting on disk. We have hard copy here. Has everybody read them? Anybody have any changes to the Minutes?

(No response)

VICE CHAIRMAN BASEHART: Then I guess we'd be ready for a motion.

MR. JACOBS: So moved.

MR. PUZZITIELLO: Second.

VICE CHAIRMAN BASEHART: Okay. We have a motion and a second for approval of the Minutes.

Any discussion?

(No response)

VICE CHAIRMAN BASEHART: All those in favor indicate by saying aye.

BOARD MEMBERS: Aye.

VICE CHAIRMAN BASEHART: Opposed, no.

(No response)

VICE CHAIRMAN BASEHART: Okay. The Minutes are adopted unanimously.

Next item is remarks of the Director.

MR. SEAMAN: There are none.

VICE CHAIRMAN BASEHART: Okay. You going to do your corrections as we get to each item?

MR. SEAMAN: Yeah, there's one -- one significant agenda change, and then as we go through the remainder I'll mention that there's a

condition add or a change or typo, whatever.

VICE CHAIRMAN BASEHART: Okay. Well, the next item then will be the approval of the agenda. You say there are changes?

MR. SEAMAN: Yes. You'll notice that we've indicated BA2006-939 as postponed, and that's incorrect. It needs to be moved to the consent agenda. There was a clerical problem with the merge on our system.

VICE CHAIRMAN BASEHART: Okay.

MR. SEAMAN: And that's the only major change --

VICE CHAIRMAN BASEHART: Okay.

MR. SEAMAN: -- in the agenda.

VICE CHAIRMAN BASEHART: Okay. We'll just move that to consent agenda.

Anything else?

MR. SEAMAN: That's -- that's it.

VICE CHAIRMAN BASEHART: Okay. That'll take us to the -- to the agenda, but first anyone here that wishes to speak today either for or in opposition to an application, if you'll please rise and raise your right hand to be sworn in, including your own application.

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

VICE CHAIRMAN BASEHART: Okay. When any of you who speak this morning, when you approach the microphone, if you would just acknowledge that -- give your name, your address and acknowledge that you've been sworn in.

VICE CHAIRMAN BASEHART: That gets us to the agenda. The first item is a withdrawn item, BofA, 2006-00 -- I'm sorry -- 01169. That's his right to withdraw, so there's no vote on that.

MR. SEAMAN: The variance wasn't needed after we looked at it. We were able to figure out a way to get them through the system without having a variance.

VICE CHAIRMAN BASEHART: Okay. So we'll just consider this withdrawn.

VICE CHAIRMAN BASEHART: Okay. Then we have -- next item is postponed items, and we have a number of those.

First one is BofA 2006-00725, Kilday and Associates.

Is the applicant here?

MS. BRINKMAN: Yes.

VICE CHAIRMAN BASEHART: Is this by right?

MR. SEAMAN: This is their second postponement to October 19th, and it's by vote.

VICE CHAIRMAN BASEHART: Okay.

MS. BRINKMAN: Hi. For the record, Joni Brinkman, with Kilday and Associates, representing the applicant, Spots, Incorporated.

We're requesting the postponement to continue negotiations with an adjoining property owner. They may result in some site plan changes that could affect the variance so we'd rather wait and take it through the process when the plan is finalized.

VICE CHAIRMAN BASEHART: Okay. Thanks.

Is there anybody here to speak on this?

(No response)

VICE CHAIRMAN BASEHART: Seeing none, any member of the Board have a problem with it?

(No response)

VICE CHAIRMAN BASEHART: And this is 30 days?

MS. BRINKMAN: Yes.

VICE CHAIRMAN BASEHART: To the October meeting.

MS. BRINKMAN: Yes.

VICE CHAIRMAN BASEHART: Okay. Do we have a motion for postponement?

MR. PUZZITIELLO: Motion to postpone for 30 days.

MS. CARDONE: Second.

VICE CHAIRMAN BASEHART: Motion and second. All those in favor indicate by saying aye.

BOARD MEMBERS: Aye.

VICE CHAIRMAN BASEHART: Opposed.

(No response)

VICE CHAIRMAN BASEHART: Motion carries. So that's postponed 'til next month.

VICE CHAIRMAN BASEHART: The next item has been moved to consent.

Item after that is BofA 2006-01156, Grisel Ortega.

Is this by right?

MR. SEAMAN: Yes, by right, 30 days to October 19th.

VICE CHAIRMAN BASEHART: Okay. Is there any member of the public here to speak on this item, other than the applicant?

(No response)

VICE CHAIRMAN BASEHART: Okay. So there's no vote necessary.

You're postponed 'til next month.

MS. ORTEGA: Thank you.

MR. BASEHART: BofA 2006-01158, Dawn Hines.

Applicant's not here. Is this by right?

MR. SEAMAN: Yes, 30 days to October 19th by right.

VICE CHAIRMAN BASEHART: Okay. Is there any member of the public that's here to speak on this item?

(No response)

VICE CHAIRMAN BASEHART: All right. Seeing none, then this item's postponed.

VICE CHAIRMAN BASEHART: And the last postponement is BofA 2006-01198, Chuck Millar.

Not here. Is this by right, as well?

MR. SEAMAN: Yes, 30 days to October 19th by right.

VICE CHAIRMAN BASEHART: Okay. Has anyone come to speak on this item?

(No response)

VICE CHAIRMAN BASEHART: All right. Seeing none, this is postponed, as well.

VICE CHAIRMAN BASEHART: That'll take us to the consent agenda, and based on the agenda change the first item is BofA -- we're going to go through each one of these. The applicant will need to come forward and acknowledge whether or not -- whether or not you agree with conditions of approval.

So the first consent item is BofA 2006-00939, Tony Huet.

MR. HUET: Good morning.

VICE CHAIRMAN BASEHART: Good morning.

Staff has recommended approval of your variance.

MR. HUET: I've been sworn in, by the way. Was a little late --

VICE CHAIRMAN BASEHART: You've been sworn in. Okay. And your name.

MR. HUET: Tony Huet.

VICE CHAIRMAN BASEHART: Okay. Was there any conditions on this one? None.

MR. SEAMAN: Yes.

VICE CHAIRMAN BASEHART: Well, it's not on our agenda because it was on there for a postponement.

MR. SEAMAN: Actually, you have an insert up there that we gave you, a staff report that we gave you, and there are two conditions.

VICE CHAIRMAN BASEHART: Okay. Are you familiar with the conditions?

MR. HUET: What page might that be on?

MR. SEAMAN: It's on your last.

MR. HUET: Oh. Now I've got a bunch. I don't have reading glasses. Just kidding.

VICE CHAIRMAN BASEHART: Two conditions. One is standard. When you apply for a building permit, you need to provide a copy of your approval letter --

MR. HUET: Okay.

VICE CHAIRMAN BASEHART: -- to the Building Department.

And the second one is prior to the expiration of your development order, in other words, this variance, which will be September 21st at 2007, you have to receive your building permit and have your first -- pass your first inspection.

MR. HUET: That would be a wonderful thing.

VICE CHAIRMAN BASEHART: Okay. You agree with that?

MR. HUET: Yes, sir.

VICE CHAIRMAN BASEHART: Okay.

This is a public hearing. Any member of the public here to speak on this item?

(No response)

VICE CHAIRMAN BASEHART: Seeing none, does any member of the Board feel it's necessary to pull this item from consent?

(No response)

VICE CHAIRMAN BASEHART: Okay.

MR. SEAMAN: Letters.

VICE CHAIRMAN BASEHART: Oh, letters?

MR. SEAMAN: There's one that's in support

of approval.

VICE CHAIRMAN BASEHART: Okay.

Okay. We're going to leave you on consent agenda. You'll be approved.

MR. HUET: Thank you. Can I leave?

VICE CHAIRMAN BASEHART: Well --

MR. SEAMAN: No.

VICE CHAIRMAN BASEHART: You might -- you might want to wait until we vote on the consent agenda.

MR. HUET: Oh, okay.

VICE CHAIRMAN BASEHART: Just be a few minutes.

BOARD OF ADJUSTMENT CONDITIONS

1. By **9/21/2007**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan or survey (which may be the same) presented to the Board of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
2. Prior to the Development Order expiration (**9/21/2007**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

VICE CHAIRMAN BASEHART: Next item on the agenda then is BofA 2006-00935, revisited for clarification.

MR. SEAMAN: What --

VICE CHAIRMAN BASEHART: Alan, you want to explain this?

MR. SEAMAN: What we did is we misunderstood -- we -- this project is zoned AR, but the land use plan is RR-2.5, and because of that you're allowed to use RE setbacks.

So we had to revisit his variances, and we're now -- we missed a second variance. That's why he's back on the agenda today.

And the second variance is -- yeah, we missed a rear setback before. So now we're addressing the rear setback and the side interior setback.

VICE CHAIRMAN BASEHART: Okay.

Any member of the Board feel this item needs to be pulled?

(No response)

VICE CHAIRMAN BASEHART: Is there any member of the public here that wants to speak on this item?

(No response)

VICE CHAIRMAN BASEHART: All right.

Staff is recommending two conditions of approval. Are you familiar with them?

MS. DELETOILE: They were on the last one, I think, weren't they? Yes.

VICE CHAIRMAN BASEHART: Okay. Can we have your name for the record?

MS. DELETOILE: Heather Deletoile.

VICE CHAIRMAN BASEHART: Okay. And you've been sworn in.

MS. DELETOILE: I've been sworn in.

VICE CHAIRMAN BASEHART: Okay. And you agree with the conditions?

MS. DELETOILE: Yes.

VICE CHAIRMAN BASEHART: Okay. Then we'll leave this item on consent.

MS. DELETOILE: Okay.

BOARD OF ADJUSTMENT CONDITIONS

1. By **9/21/2007**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan and/or survey presented to the Board of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
2. Prior to the Development Order expiration (**9/21/2007**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

VICE CHAIRMAN BASEHART: Next item is BofA 2006-01148, Miller Land Planning.

MR. SEAMAN: I'll mention to the Chair the letters, about --

VICE CHAIRMAN BASEHART: Oh, yeah. Were there any letters?

MR. SEAMAN: There was one letter, and it was in support.

VICE CHAIRMAN BASEHART: Okay.

Mr. Miller, the staff is recommending approval of your application with two conditions. Are you familiar with them?

MR. MILLER: Yes, sir. For the record, Bradley Miller, Miller Land Planning.

MR. SEAMAN: And we have some changes on

them.

MR. MILLER: There are some changes. You can see in your staff report we originally applied for two variances. We were able to work out the second variance which is withdrawn. I think that's indicated in your staff report so it's just the one variance for the number of freestanding buildings.

VICE CHAIRMAN BASEHART: Okay.

MR. MILLER: We are familiar with the conditions and agree with them.

MR. SEAMAN: Let me add, though, we have added a condition and be sure that you're aware of that one. So, in addition --

MR. MILLER: Bring it on.

MR. SEAMAN: In addition to the first two conditions we've got a third, and it should read, "Prior to final DRO the applicant shall either redesign the project to meet all landscape requirements pursuant to the ULDC or submit prior to final DRO an ALP approved by the landscape section."

MR. MILLER: I have seen that, yes. We're fine with that.

MR. SEAMAN: And also for the record, Miller Land Planning has resubmitted a revised site plan that reflects right-of-way which is the reason why we were able to withdraw the first two variance requests, and this site plan should be identified as Resubmittal 9-1406.

VICE CHAIRMAN BASEHART: Okay.

MR. ROBERTS: Bradley, I brought -- I brought a letter from Allen Ennis committing to that reclassification of that roadway, too.

MR. MILLER: Great.

MR. ROBERTS: That may need to go into the record for your purposes.

MR. SEAMAN: Can we get a copy?

MR. ROBERTS: I'll get a copy for you.

VICE CHAIRMAN BASEHART: Okay.

MR. MILLER: Thank you. What that was, was originally we had a kind of a cul-de-sac street that ended at the property, and there was some question as to whether that satisfied the frontage requirement for the planned development, and there is some -- also some issues of whether that street needed to continue through, which is what we committed to do to continue the street through. So it satisfied actually a bunch of things, but one of them was this first variance --

VICE CHAIRMAN BASEHART: Okay.

MR. MILLER: -- and working with Land Development and the staff.

VICE CHAIRMAN BASEHART: All right.

MR. MILLER: Can I take one moment here?

VICE CHAIRMAN BASEHART: Sure.

MR. MILLER: I don't know if I'm going to be back before you guys, and I know you're being fizzled out.

I want to just say, first of all, congratulations to Alan for a promotion that's well deserved, and I think the BofA staff and this

process is -- if there's a process in the county that works, this one does it, and I contribute a lot to your Board. I hate to see it go, but I understand change needs to be made, too, so just wanted to say that.

VICE CHAIRMAN BASEHART: Thank you.

Any member of the public here to speak on this item?

(No response)

VICE CHAIRMAN BASEHART: Alan, letters?

MR. SEAMAN: I was taken aback by that -- that recognition of the promotion.

MR. PUZZITIELLO: Didn't hear about it yet, huh?

MR. SEAMAN: Okay. 1157. There were no -- no comments.

VICE CHAIRMAN BASEHART: Okay. Does any member of the Board feel this item needs to be pulled for any reason?

(No response)

VICE CHAIRMAN BASEHART: Seeing none, it'll stay on consent.

BOARD OF ADJUSTMENT CONDITIONS

1. By **9/21/2009**, 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, simultaneously with the building permit application. (ON-GOING-BUILDING PERMIT: BLDG)
2. Prior to the Development Order expiration (**9/21/2009**), the project shall have received and passed the first building inspection. (DATE: MONITORING-ZONING)
3. Prior to final DRO the applicant shall either redesign the project to meet all landscape requirements pursuant to the ULDC or submit prior to final DRO an ALP approved by the landscape section.

VICE CHAIRMAN BASEHART: Next item is BofA 2006-01157, Carol Debrowski.

MS. DEBROWSKI: Good morning.

VICE CHAIRMAN BASEHART: Good morning. Name for the record.

MS. DEBROWSKI: My name is Carol Debrowski. This is my son, Anthony Debrowski.

VICE CHAIRMAN BASEHART: Okay. Staff has recommended approval of your variance application with two conditions of approval. Do you agree with them?

MS. DEBROWSKI: Yes, we do.

VICE CHAIRMAN BASEHART: Okay.

Are there any members of the public here that want to speak on this item?

(No response)

VICE CHAIRMAN BASEHART: Seeing none, letters, Alan?

MR. SEAMAN: No letters.

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

(No response)

VICE CHAIRMAN BASEHART: It'll stay on consent.

MS. DEBROWSKI: Thank you.

VICE CHAIRMAN BASEHART: Okay.

BOARD OF ADJUSTMENT CONDITIONS

1. By **9/21/2007**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan or survey (which may be the same) presented to the Board of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
2. Prior to the Development Order expiration (**9/21/2007**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

VICE CHAIRMAN BASEHART: Next item is BofA 2006-01159, Jim Frogner.

MR. FROGNER: Good morning. Jim Frogner, agent for the owner.

VICE CHAIRMAN BASEHART: You been sworn in?

MR. FROGNER: Yes, I have

VICE CHAIRMAN BASEHART: Okay. Staff's recommending approval of your application with two conditions. You agree with those conditions?

MR. FROGNER: Yes, I do.

VICE CHAIRMAN BASEHART: Okay. Any member of the public here to speak on this item?

(No response)

VICE CHAIRMAN BASEHART: Seeing none,

letters?

MR. SEAMAN: Two in approval.

VICE CHAIRMAN BASEHART: Two support letters?

Any member of the Board feel this item needs to be pulled?

(No response)

VICE CHAIRMAN BASEHART: It'll remain on consent.

Board of -- you're okay then. You're -- you're staying on consent.

MR. FROGNER: Thank you.

BOARD OF ADJUSTMENT CONDITIONS

1. By **9/21/2007**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan and/or survey presented to the Board of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
2. Prior to the Development Order expiration (**9/21/2007**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

VICE CHAIRMAN BASEHART: Next item is Board of Adjustment 2006-01160, MDM Services, Inc. Is the applicant here?

(No response)

VICE CHAIRMAN BASEHART: Hmm. So we -- do we know whether the applicant has accepted the conditions?

MR. SEAMAN: Joe? Did you call him?

MR. CEARLEY: Yeah, I called Kevin Young's office, left a message with the secretary twice, never returned my call.

I believe I e-mailed him a staff report, as well, with the e-mail that was given on his application.

VICE CHAIRMAN BASEHART: What do you want to do?

MR. SEAMAN: We also have two corrections to that, to the condition.

VICE CHAIRMAN BASEHART: Does he know about the corrections?

MR. SEAMAN: They are things that don't really -- they -- they're just basically things that we should have -- we overlooked at staff.

This is -- doesn't receive a development order because there's no physical action so it should say that there's no development order is required, and we have a date wrong.

The Condition No. 1 on Page 27, instead of reading at the end of the sentence, "...should be presented at the Board of Adjustment," that was -- let me read the whole thing.

"The hours of operation variance shall be limited to the use shown on site plan Exhibit 20 presented at the Board of Adjustment at the September 21st," and we are -- we have 2005, and it should say 2006 hearing. That's today.

And then, again, the development order should be deleted, and it should say, "No action required; therefore, no development order is required."

VICE CHAIRMAN BASEHART: Okay. Well, what does the Board want to do? You want to go ahead and --

MR. JACOBS: I'd like -- I'd like to postpone it 'til next month.

MS. CARDONE: Well, reorder to regular and see if maybe they're tied up in traffic or something.

VICE CHAIRMAN BASEHART: All right. Well, let's --

MR. SEAMAN: I think Juanita, by the way, went to call, just to double check.

VICE CHAIRMAN BASEHART: All right. Let's move BofA 2006-00 -- I'm sorry, 01160 to the regular agenda.

If the applicant doesn't show up by the time we get to it, then we're going to postpone this for 30 days.

VICE CHAIRMAN BASEHART: Next item is BofA 2006-01165, Kim Glas-Castro.

MS. GLAS-CASTRO: Good morning. I'm Kim Glas-Castro, with Ruden, McClosky, here on behalf of Auto Nation.

VICE CHAIRMAN BASEHART: Okay. Kim, the staff's recommending two conditions.

MS. GLAS-CASTRO: We agree with the conditions.

VICE CHAIRMAN BASEHART: You agree with them?

Is there any member of the public here to speak on this item?

(No response)

VICE CHAIRMAN BASEHART: Seeing none,

letters?

MR. SEAMAN: Two letters for clarification.

VICE CHAIRMAN BASEHART: Okay. Any member of the Board feel this item needs to be pulled from consent?

(No response)

VICE CHAIRMAN BASEHART: Okay. We'll leave you on consent.

MS. GLAS-CASTRO: Thank you.

BOARD OF ADJUSTMENT CONDITIONS

1. By **September 21, 2007**, the property owner shall provide the Building Division with a copy of the Board of Adjustment Result Letter and a revised copy of the Site Plan presented to the Board (BA Exhibit 31), simultaneously with the building permit application. (BUILDING PERMIT: BLDG)
2. Prior to DRO certification, the applicant shall ensure the BOFA conditions are shown on the site plan. (Pet.1987-006). (ZONING-DRO)

VICE CHAIRMAN BASEHART: Next item is BofA 2006-01168, Victor H. and Eloisa Gonzalez.

MS. CAUDILLO: Hi. I'm Christina Caudillo, on behalf of Victor and Eloisa from Tacos al Carbon.

Christina Caudillo, I've been sworn in, and I'm here on behalf of Victor and Eloisa from Tacos al Carbon.

The item number, though, you said --

VICE CHAIRMAN BASEHART: It's --

MS. CAUDILLO: -- 01168.

VICE CHAIRMAN BASEHART: I meant 66.

MS. CAUDILLO: Oh, okay.

VICE CHAIRMAN BASEHART: I stand corrected.

MS. CAUDILLO: Okay. Just want to make sure.

VICE CHAIRMAN BASEHART: Staff's recommending approval of your application with four conditions. Are you familiar with them?

MS. CAUDILLO: Yes, sir.

VICE CHAIRMAN BASEHART: And you agree with them?

MS. CAUDILLO: Yes, we do.

VICE CHAIRMAN BASEHART: Okay. Is there

any member of the public here to speak on this item?

(No response)

VICE CHAIRMAN BASEHART: Any letters?

MR. SEAMAN: There are none, but I just need to ask a question.

Are you -- did you sign a consent form to represent?

MS. CAUDILLO: Yes.

MR. SEAMAN: We have that in our file?

MS. CAUDILLO: Yes.

MR. SEAMAN: Okay. Thank you.

MS. CAUDILLO: You're welcome.

VICE CHAIRMAN BASEHART: Okay. Then anyone on the Board feel this item needs to be moved to regular?

(No response)

VICE CHAIRMAN BASEHART: Okay. We'll -- we'll keep you on consent agenda.

MS. CAUDILLO: Thank you.

BOARD OF ADJUSTMENT CONDITIONS

1. By **September 21, 2007**, or prior to DRO certification, the applicant shall ensure the BA conditions are shown on the certified site plan. (DATE: MONITORING - DRC)
2. By **September 21, 2007**, the applicant shall obtain all applicable building permits for the proposed improvements in order to vest the variance approved pursuant to BA-2006-1166. (DATE: MONITORING - BLDG PERMIT)
3. Prior to the issuance of a Building Permit, all of the required landscaping for the R-O-W landscape buffer shall be planted in the reduced R-O-W landscape buffer along the northern property line abutting Military trail. (EVENT: LANDSCAPE: BUILDING)
4. Prior to the issuance of a Building Permit, the applicant shall submit both the Board of Adjustment letter and a copy of the approved survey/site plan to the Building Division. (EVENT: MONITORING: BUILDING)

VICE CHAIRMAN BASEHART: Next is BofA 2006-01168, and it's Aaron Cushman.

MR. CUSHMAN: Good morning.

VICE CHAIRMAN BASEHART: Name for the record.

MR. CUSHMAN: I'm Aaron Cushman. I'm sworn in.

VICE CHAIRMAN BASEHART: Okay. Staff's recommending approval of your application with two conditions. Do you agree with those conditions?

MR. CUSHMAN: Yes.

VICE CHAIRMAN BASEHART: Okay. Is there any member of the public here to speak on this item?

(No response)

VICE CHAIRMAN BASEHART: Seeing none, letters?

MR. SEAMAN: One in support.

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

(No response)

VICE CHAIRMAN BASEHART: Okay. We're going to leave you on consent.

MR. CUSHMAN: Okay. Thank you.

VICE CHAIRMAN BASEHART: Okay.

BOARD OF ADJUSTMENT CONDITIONS

1. By **9/21/2007**, the applicant shall provide the Building Division with a copy of the Board of Adjustment result letter and a copy of the site plan and/or survey presented to the Board of Adjustment, simultaneously with the building permit application. (BUILDING: DATE: ZONING)
2. Prior to the Development Order expiration (**9/21/2007**), the project shall have received and passed the first building inspection. (BUILDING: DATE: ZONING)

VICE CHAIRMAN BASEHART: And, finally, the last consent item is BofA 2006-01206, Kilday and Associates.

MS. CONOVER: Shayne Conover, from Kilday and Associates, representing Florida Power and Light.

VICE CHAIRMAN BASEHART: Okay. Ms. Conover, two conditions of approval. Do you agree with them?

MS. CONOVER: Yes, we do.

VICE CHAIRMAN BASEHART: All right. Any member of the public here to speak on this item?
(No response)

VICE CHAIRMAN BASEHART: Seeing none, letters?

MR. SEAMAN: There's one in approval, but we should also note a couple of corrections.

On the cover sheet, which is Page 43, apparently I guess the property appraiser's office hasn't changed names over, and our system brought up Mark Baker as the owner, but actually it's Florida Power and Light, P.O. Box 1400 -- I'm sorry, 14000, Juno Beach, Florida.

And on the Page 44 of that same staff report at the bottom of the paragraph there are some discrepancies in numbers that were -- need to be corrected, and where it reads, "This would result in a net interior planting of 332," it really should say 335.

Continuing on, "...and 987 shrubs," it should actually read 1006 shrubs.

And that's all.

VICE CHAIRMAN BASEHART: All right. We're all in agreement.

Okay. Then any member of the Board feel this needs to be pulled?

(No response)

BOARD OF ADJUSTMENT CONDITIONS

1. By **9/21/2009**, 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 and/or survey presented to the Board, simultaneously with the building permit application. (ON-GOING - BUILDING PERMIT: BLDG)
2. Prior to the Development Order expiration (**9/21/2009**), the project shall have received and passed the first building inspection. (DATE: MONITORING - ZONING)

VICE CHAIRMAN BASEHART: Seeing none, the consent agenda then will be, first of all, the added item, BofA 2006-00939; and then BofA 2006-935; 2006-01148; 2006-01157; 2006-00 -- I'm sorry, 01159; 1160 has been moved to the regular agenda, BofA 2006-01165; BofA 2006-01166; 2006-01168 and 2006-01206.

Hope we're ready for a motion on that.

MS. CARDONE: Mr. Chairman -- Mr. Chairman, I move that we approve those items that you have just called into the record with the changes made by staff and the staff record being part of the official record.

VICE CHAIRMAN BASEHART: Okay. Motion by Ms. Cardone.

MS. STEPHENSON: Second.

VICE CHAIRMAN BASEHART: Second by Ms. Stephenson.

Any discussion on the motion?

(No response)

VICE CHAIRMAN BASEHART: All those in favor indicate by saying aye.

BOARD MEMBERS: Aye.

VICE CHAIRMAN BASEHART: Opposed, no.

(No response)

VICE CHAIRMAN BASEHART: Motion passes unanimously.

All right. All the letters aren't ready, right?

MR. SEAMAN: Letters are always mailed.

VICE CHAIRMAN BASEHART: Okay. Letters are mailed. So anyone that had a -- we'll take a couple minute break here, and everyone that was on consent agenda is free to leave, and you've been approved, and you'll get your letters in the mail.

UNIDENTIFIED SPEAKER: Thank you.

(Whereupon, a short break was taken in the proceedings.)

VICE CHAIRMAN BASEHART: Are we ready to get started with the regular agenda? All right. Let's reopen the meeting, and before we get to the regular agenda, I guess there -- we have -- with respect to Item 2006-1206 we have a correction to read into the record?

MR. SEAMAN: Yes. One of our requirements is that --

MS. STABILITO: It was advertised correctly. We are in the hearing.

VICE CHAIRMAN BASEHART: Are we going to recess for a minute here?

MR. SEAMAN: Yeah, you better recess.

VICE CHAIRMAN BASEHART: We'll recess -- okay. We're recessed.

(Whereupon, a short break was taken in the proceedings.)

VICE CHAIRMAN BASEHART: We're all back here. Let's reopen the meeting and go to Item BofA 2006-1206, which was approved on the consent agenda, and for the record I understand there's some clarification or correction that needs to be made.

MR. SEAMAN: Yeah. And do you want to, Shayne, go ahead and --

MS. CONOVER: Well, it's just because of the legal add. It had the wrong location, and it should be corrected to Atlantic Avenue approximately 0.25 miles west of U.S. Highway 441, and then the rest of the sentence is correct.

MR. SEAMAN: So that's what we're correcting, but with -- part of this discussion was that the individuals that are associated within 300 feet of those PCN numbers have been notified.

MS. CONOVER: Correct, and --

MR. SEAMAN: That was the key issue.

MS. CONOVER: Correct, and those are the --

MR. SEAMAN: And they were notified.

MS. CONOVER: -- correct PCNs.

MR. SEAMAN: And the correct PCNs, but apparently the property appraiser's office is not associating those PCNs with the current owner, for some reason.

MS. CONOVER: Correct.

MR. SEAMAN: Okay. 'Cause our warranty deed show Florida Power and Light owns -- okay.

MS. CONOVER: Yes.

MR. SEAMAN: So to make that correction to the actual location which you read off.

VICE CHAIRMAN BASEHART: Okay.

MS. CONOVER: And the address is incorrect where the site is addressed.

MR. SEAMAN: So let's -- can you give that to me, and I'll write that in here?

MS. CONOVER: Okay. There is no address.

It's just on West Atlantic Avenue.

MR. SEAMAN: So it's vacant?

MS. CONOVER: Correct.

MR. SEAMAN: All right. We've noted that on our staff report.

No, we -- the legal, also -- that 39 Harbor Drive --

MS. CONOVER: That's right. That's what I was just mentioning as a correction.

MR. SEAMAN: Yeah, that's what she just said before so we corrected that. So we should be all set.

VICE CHAIRMAN BASEHART: Okay. It's in the record.

MS. CONOVER: Thank you.

VICE CHAIRMAN BASEHART: Okay. Now we're going to the regular agenda, and what we'll do is take first the item that was pulled off the consent, BofA 2006-1160, MDM Services, Inc.

MR. YOUNG: Good morning.

VICE CHAIRMAN BASEHART: Good morning, and I don't believe you've been sworn in.

MR. YOUNG: No.

(Whereupon, speaker was sworn in by Ms. Springer.)

VICE CHAIRMAN BASEHART: Okay. Your name for the record?

MR. YOUNG: Kevin Young.

VICE CHAIRMAN BASEHART: Okay. Mr. Young, the staff is recommending approval of your variance application with two conditions.

Are you familiar with those conditions?

MR. YOUNG: Yes, I reviewed them yesterday and this morning.

VICE CHAIRMAN BASEHART: And they're acceptable?

MR. YOUNG: They are acceptable.

VICE CHAIRMAN BASEHART: Okay. Is there any member of the public here to speak on this item?

(No response)

VICE CHAIRMAN BASEHART: Seeing none, letters, Allen?

MR. SEAMAN: There are two, and they were just for clarification.

MR. PUZZITIELLO: And you had a correction to this -- your conditions on this one.

MS. CARDONE: You corrected Condition 1 --

MR. SEAMAN: Yeah, we -- yeah, we corrected those before.

MS. CARDONE: -- corrected it to 2006?

MR. SEAMAN: So I'll read that again. It's on Page 27.

The development order should actually be deleted, and what we should have indicated on there is no action required -- there's no physical action required; therefore, there should be no development order.

And Condition No. 1 which reads, "The hours of operation variance shall be limited to the use shown on site plan, Exhibit 20, presented at the Board of Adjustment at the September 21st, 2005," it should read 2006, "hearing," which is today's hearing.

VICE CHAIRMAN BASEHART: Okay. It works?

I guess we need a motion and a vote on this one since it's been put on regular agenda.

MR. PUZZITIELLO: Motion to approve.

VICE CHAIRMAN BASEHART: Motion to approve.

MS. STEPHENSON: Second.

VICE CHAIRMAN BASEHART: Motion by Mr. Puzzitiello, second by Ms. Stephenson for approval with the two -- with the revised conditions.

All those in favor indicate by saying aye.

BOARD MEMBERS: Aye.

VICE CHAIRMAN BASEHART: Opposed, no.

(No response)

VICE CHAIRMAN BASEHART: Notion carries unanimously.

MR. YOUNG: Okay. Thank you. Have a good day, Board.

VICE CHAIRMAN BASEHART: Thank you.

BOARD OF ADJUSTMENT CONDITIONS

1. The hours of operation variance shall be limited to the use shown on Site Plan, Exhibit 20, presented to the Board of Adjustment at the September 21, 2006 hearing.
2. By (9/21/2007), the Approved Site Plan for BP Service Station (P-1988-094) shall be amended through the DRO section of the Zoning Division, to reflect the variance approval pursuant BA-2006-1160. (DRO: DATE: ZONING)

VICE CHAIRMAN BASEHART: And the last item on the agenda is BofA 2006-1167, Bradley and Brooke Poe.

Name for the record.

MS. POE: Brooke Poe. My husband, Brad Poe.

VICE CHAIRMAN BASEHART: Okay. And you've been sworn in, both of you? Okay.

Alan, you want to introduce this item?

MR. SEAMAN: Yes. Actually, I'm going to let Joe do it. Read the legal ad.

MR. CEARLEY: Bradley and Brooke Poe, owners, to allow a proposed accessory structure to encroach into the required side street and rear setback. Location is 17278 Murcott Boulevard, approximately 0.2 miles south of 94th Street North in the AR zoning district.

MR. SEAMAN: And I think we want to say that staff is recommending denial for the following reasons, and I think Joseph here has --

MR. CEARLEY: Yeah. Denial is based on that there are no special circumstances that exist in the particular parcel of land because the proposed structure is large in size, and there are other alternative design options.

Another reason is to grant approval of this variance is not the minimum variance that would make possible the reasonable use of the land because they have other design options that would

decrease the amount of encroachment into their side interior and their setbacks.

Staff pointed out several other design options that would work with the applicant's intentions while minimizing the variance.

Also, permitting the variance would confer upon the applicant special privileges not enjoyed by other parcels in the area that meet the RE setbacks.

VICE CHAIRMAN BASEHART: Okay. This is a public hearing.

So this is your opportunity to present your arguments for why you believe the variances should be approved.

MS. POE: Okay. First, I do not have other design options on this property. I have pictures showing why I don't, and there are other parcels of land in the neighborhood consisting with what I am trying to do, which I also have pictures of.

Where I live out in Loxahatchee we have big, you know, land, acres of land, where we can do this, develop a garage. My husband owns his own business; therefore, we want to build this garage to park trucks, trailers, equipment in there, take it away from, you know, sitting in the yard and on the easement where it is now.

Our neighbor on the east side of the agreement agrees, wrote a letter, agrees with -- you know, they eventually want to do the same thing, and, you know, that's really it.

MS. STEPHENSON: Can we see the pictures?

MS. POE: Yeah, sure.

MR. SEAMAN: And they also submitted this letter, I guess for the record, which the Board should --

MR. PUZZITIELLO: Do we need to accept it into the record?

VICE CHAIRMAN BASEHART: Yeah, we're -- we'll -- we'll accept these pictures into the -- you're going to have to leave them with us. They're going in the file. Thank you.

MS. CARDONE: Is there a motion to accept the --

VICE CHAIRMAN BASEHART: Motion?

MS. STEPHENSON: I move to accept the photos.

MR. PUZZITIELLO: Second.

VICE CHAIRMAN BASEHART: Motion by Ms. Stephenson, second by Mr. Puzzitiello.

All those in favor.

BOARD MEMBERS: Aye.

VICE CHAIRMAN BASEHART: Opposed.

(No response)

VICE CHAIRMAN BASEHART: Okay.

MR. PUZZITIELLO: So why can't you move your shop back behind the house closer to where the well is to get your setback?

MS. POE: Why can't we move it behind the house? Well, it's the same setback. It'd be in the same place as we want it on the left side.

MR. POE: It'd be on top of the screen.

MS. POE: It'd be on top -- yeah, the screen enclosure. I have a tie-down place set on the other side.

We basically want it to connect to the preexisting concrete driveway that we've already established like other homes in the area have done.

MR. PUZZITIELLO: Oh, I see what you're talking about, okay.

MS. POE: I have a picture in there of a house that's just two streets up from us, same property, same lot, on the easement that has the same exact garage that we want to build with the same exact -- it's not that one. It's the one with green and white, and they're on an easement just like we are.

MR. SEAMAN: Might I ask the dimensions of those units that you're referring to?

MS. POE: They're the same. They're all the same, same height, same --

MR. SEAMAN: Well, yours is a 36 --

MS. POE: By 40.

MR. SEAMAN: -- by 40-foot, which is not a typical garage size.

MS. POE: Right, detached garage.

MR. SEAMAN: And I -- I didn't hear before when you submitted that you're going to put -- your husband has a business. He's putting equipment, trucks and trailers in there?

MS. POE: Correct. And other --

MS. STEPHENSON: Is this the picture?

MS. POE: Yes, that is. They are on an easement. They are two lots up from us, same exact, but, yeah, equipment and other household equipment, you know, we have a Dixie chopper because we have such big lands, you know, and the gas.

We don't like it attached to the house with all the gas tools being in the garage attached to the house. We want to move that stuff to the detached garage, as well.

Basically, I just feel there's no other design option that won't encroach on my home.

MR. SEAMAN: I think staff was suggesting that you -- if you made -- if you made the structure somewhat smaller, you may be requesting a lesser variance.

If you moved it a little bit closer to the pool area, you'd be asking for a lesser variance.

That's what we mean by there are alternative design options, and if there are alternative design options, it's our responsibility to suggest those to you.

MS. POE: Right, yeah.

MR. SEAMAN: And if there is no other design option, then that's -- that's a different --

MS. POE: Uh-huh. Well, like I said, we've already, you know, we have the driveway there. We want it to kind of be centered and look uniformity to the lot, the property, the homes around.

We eventually want to buy a boat so we want it to be tall enough, big enough to hold a boat, his two work trucks, trailers, you know.

We can afford to do it. We own the property. We want to do it. I mean --

MR. SEAMAN: Can I ask what the business is?

MS. POE: Pools, he builds pools.

So that's -- I think it would nothing but up the property value in the homes surrounding. We maintain a very nice property, and we'll do the same with the garage, and also, we've put a lot of time and money into this project.

And we've already applied for a permit. It is sitting in the Building Department. Everything has been checked off except for this one thing, the zoning. We have a PR number.

MR. PUZZITIELLO: An important thing.

MS. POE: We're just waiting on this approval to go ahead with it.

We've had trees removed for this already.

We've had wells relocated, not knowing, coming into this, that we were going to have setback problems. We were unaware of the heavy setbacks due to us being on an easement.

So it would be very disappointing if we cannot use it.

VICE CHAIRMAN BASEHART: Well, we're looking at these pictures --

MS. POE: Also, real quick --

VICE CHAIRMAN BASEHART: Go ahead.

MS. POE: -- I do -- I did get easement consent forms from everybody.

My Indian Trail district, which is my district where I live, FP&L, BellSouth, the cable, saying that they consent with me building on the back easement there. So --

MR. SEAMAN: I'm not quite sure I understand that. There's no proposed -- there's no -- you're not encroaching any easement.

MS. POE: Oh, in the back 'cause we are building a driveway out the back onto the road behind us so he can just pull in and pull out, and I guess -- when I had applied, they said we had to get consent forms from all these different utility companies showing that.

MR. PUZZITIELLO: Well, the consent form is for the driveway, not for the building.

MS. POE: Well -- and the driveway, yeah.

VICE CHAIRMAN BASEHART: Alan, are there letters?

MS. POE: I do have a letter.

MR. SEAMAN: But this letter's from you all.

MS. POE: This letter is from the homeowner to the east side of -- there's the easement, the canal and then the homeowner, which is my neighbor on the east side of the canal who agrees and --

MR. SEAMAN: Would their name be -- yeah, the Potters?

MS. POE: Yes.

MR. SEAMAN: Yeah, we got --

MS. POE: You got theirs in the mail?

MR. SEAMAN: We have them --

MS. POE: Okay.

MR. SEAMAN: -- in the mail saying that they support it.

MS. POE: Uh-huh, and they're directly next to us.

MR. PUZZITIELLO: One of the problems with this Board is we can only -- we are mandated by the seven criteria. So you need to give us specific reasons for each one of the seven criteria for us to --

MS. POE: Okay. In my -- which I did when I applied for the variance. Do you not have copies of that or --

MR. SEAMAN: I'm wondering if we should point out in the letter from your neighbors that says they were also under the impression that there would be no objection to building a garage, and apparently they're planning on doing it, too, in the upcoming year.

MS. POE: Correct.

MR. SEAMAN: Will they be requesting variances?

MR. PUZZITIELLO: They'd have to.

MS. POE: They're going to need to. I'm going to let them know. I guess, I mean if that's --

MR. SEAMAN: I mean will they be doing it within appropriate setbacks?

MS. POE: Will they what?

MR. SEAMAN: Will they be meeting setbacks, or will they be needing to come in?

MS. POE: I don't know. I can't answer on that. I don't know.

VICE CHAIRMAN BASEHART: Does anybody on the Board have any additional questions or comments?

(No response)

VICE CHAIRMAN BASEHART: Is somebody ready to make a motion, or does the applicant have anything further to say?

MS. POE: Just that there are similar properties in the area already benefitting from the same -- same type of advantages. I feel it won't have any negative impact on the area, and it'll promote a better quality of life for us, and that's really it.

MR. PUZZITIELLO: Alan, do you know of any other similar variances in the area?

MR. SEAMAN: I don't.

MS. POE: Yeah, I asked some of my neighbors, you know, did you guys go for a variance, how did you get to build it right on the road or right on, you know, and --

VICE CHAIRMAN BASEHART: They didn't get a permit.

MS. POE: They -- they went with builders and they didn't know or, yeah, exactly, they didn't get a permit, they didn't go by, you know, some of them said we built back in 1998 and rules

were probably different back then, and we built our home owner/builder, so -- and we're trying to do the same with the garage, so they really weren't aware, 'cause they built with builders, how they got it, so I don't know.

MR. PUZZITIELLO: Well, they might not actually have a variance 'cause they might be building far enough away from the property lines.

MS. POE: And that was my other thing. Our property line goes to the middle of the back road. I -- and that's where I originally thought that I -- my setbacks were from until I was made aware that it was from my easement. So --

VICE CHAIRMAN BASEHART: It's from the base building line, yeah, which would be the easement.

MR. CEARLEY: Yeah, the inside of the road easement?

MS. POE: Right.

MR. JACOBS: I just have one question.

MS. POE: Sure.

MR. JACOBS: If you had put -- or proposed -- if you proposed the normal two-car garage, would you need a variance?

MR. PUZZITIELLO: Not as much.

MS. POE: I -- I mean not as much of a variance because it wouldn't be --

MR. POE: If we what?

MS. POE: Built a normal two-car garage, wouldn't be as big or as tall.

MR. SEAMAN: I think the Board should know that you already have a garage.

MS. POE: Right, we have a two-car -- when you lead up to our driveway, we do have a three-car garage.

MR. JACOBS: But the -- but the reason for the variance problem is the outsize nature of the proposed building.

MS. POE: Is where we want the structure to sit, the easement, the setbacks. No, it would still pretty much be sitting in the same spot because we want to locate it on the property to be even with the driveway, and, you know, make it sufficiently big enough to hold two trucks, two trailers, a boat and, you know.

VICE CHAIRMAN BASEHART: Any other questions?

MS. CARDONE: Mr. Chairman, if there are no other questions, I'm prepared to make a motion.

VICE CHAIRMAN BASEHART: Okay.

MS. CARDONE: I move that the Zoning Board of Adjustment support staff recommendation and deny this variance.

If this is seconded, I'll give my reason.

VICE CHAIRMAN BASEHART: Okay. We have a motion by Ms. Cardone. Do we have a second?

MR. JACOBS: Second.

VICE CHAIRMAN BASEHART: Okay. We've got a second by Mr. Jacobs.

MS. CARDONE: My comments are simply that although I have a lot of empathy for the applicants, this Board is not a policy-making

Board. The rules and regulations are clear, and our obligation is to consider the seven criteria and conformity with those.

I don't believe that the justifications have met the seven criteria, and I believe it's incumbent upon us to deny the application.

VICE CHAIRMAN BASEHART: Okay. Is there any further discussion on the motion?

(No response)

VICE CHAIRMAN BASEHART: Okay. All those in favor of the motion indicate by saying aye.

MS. CARDONE: Aye.

MR. JACOBS: Aye.

MR. PUZZITIELLO: Aye.

VICE CHAIRMAN BASEHART: Aye.

And against, no.

MS. STEPHENSON: No.

VICE CHAIRMAN BASEHART: Okay. Show that the motion passes, 4-1.

Okay.

MS. POE: Thanks.

VICE CHAIRMAN BASEHART: Variance has not been approved.

MS. POE: Okay.

VICE CHAIRMAN BASEHART: Any other business for the Board?

(No response)

VICE CHAIRMAN BASEHART: I guess not. So then -- we don't need a motion to adjourn, so -- or do we?

MS. HELFANT: No.

VICE CHAIRMAN BASEHART: Okay. We're adjourned.

MR. JACOBS: One request. When you send out the notices for next month, would you say where the location of the meeting is going to be?

MR. PUZZITIELLO: I think that's going to be pretty standard from now on.

MR. SEAMAN: We just have to go back and change the merge document that's being sent out, put this address on it now.

VICE CHAIRMAN BASEHART: You're expecting that this is where the meetings the rest of our lives will be, right?

MR. PUZZITIELLO: Well --

MR. SEAMAN: You know, we won't really know.

VICE CHAIRMAN BASEHART: I mean the life of the Board.

MR. SEAMAN: It all depends on the contractors when we get the furniture in here, but that's what I've been told, November, December.

VICE CHAIRMAN BASEHART: Well, I wasn't sure. There wasn't anything in the package, but I -- I noticed that the agenda still said 100 Australian Avenue so I just came here.

MR. SEAMAN: I'm glad that you are used to, you know, force of habit.

MR. PUZZITIELLO: Creature of habit.

(Whereupon, the meeting was adjourned at 10:00 a.m.)

* * * * *

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 30, 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 2nd day of October, 2006.

Sophie M. (Bunny) Springer