

BOARD OF ADJUSTMENT MINUTES

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, August 17, 2011, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, with Chair Mary Hillberg presiding, to consider the following requests:

Board members present were: Mary Hillberg, Chair, District 2
George Bovell, District 4
Dale Young, Vice-Chair, District 5
Dave Pasley, Alternate, District 3

Staff members present were: Robin Sobrino, Director, Planning & Development Department
Christine Lepore, Asst. County Attorney
Paul Body, Planner I
Candy Hanselman, Zoning Support Manager

The Chair, Mary Hillberg, called the meeting to order at 1:30 p.m. Three regular members, and one alternate, were present, and they all voted throughout the meeting.

Mary Hillberg – I now call this meeting to order, the scheduled meeting of the Board of Adjustment. Planning & Zoning Office, Paul, could you please give us the staff's explanation for the Planning & Zoning Office, describing the function and operation of the Board of Adjustment for our applicants and audience.

Paul Body – Yes, Ms. Chairperson. The Board of Adjustment is a quasi-judicial body, established by the Board of County Commissioners, under Chapter 62, Article II, Division 4, of the Brevard County Code. The Board of Adjustment is empowered to hear requests for variances to the Zoning Regulation, and the Sign Regulation, in Chapter 62, Article VI and Article IX. Pursuant to Section 62-254, Brevard County Code, any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may, within 30 days after the date of the public hearing at which the decision was rendered, but not thereafter, apply to a court of competent jurisdiction for appropriate relief. Ms. Chairperson, you have three items on your agenda today.

Mary Hillberg - Thank you, Paul. Dale, could you please explain to our applicants and audience the definition of a hardship.

Dale Young – Thank you. A variance hardship: A variance may be granted when it will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary and undue hardship. The term “undue hardship” has a specific legal definition in this context and essentially means that without the variance, the applicant will have no reasonable use of the property under existing regulations. Personal medical reasons shall not be considered as grounds for establishing undue hardship sufficient to qualify for a variance. Economic reasons may be considered only in instances where a landowner cannot yield a reasonable use, and/or reasonable return, under the existing development regulations. The applicant must answer a variance hardship worksheet with six questions. The Board of Adjustment will discuss these questions today with each applicant who has requested a variance.

Mary Hillberg – Thank you, Dale. I would like to address our board members, the applicants, and our audience, for a moment. The Board of Adjustment is a quasi-judicial board, with members appointed by the Brevard County Board of Commissioners, which we'll utilize Robert's Rules to conduct our meetings. The Chair is asking all board members not to ask questions while the applicant is making their presentation. Once the applicant has completed their presentation, we will begin board questioning with the board member who represents the applicant's district. When concluded, questioning is open to the full board. I'm asking that the Chair recognize each board member. Once all the board members have completed their questioning, we will open it to the audience who may be here to speak concerning the applicant's application. Anyone from the audience wishing to speak will be given the opportunity to address the board only once. At the conclusion of public comment, the applicant will be given additional time for rebuttal, as well as to present their final comments. Once completed, no further comment will be heard from the applicant or the public. We will not

use a timer, but are asking each member to be concise in what they have to say. It is important that you stay on the subject and that you avoid information that is not relevant. All persons speaking must provide their name and address for the public record. Those wishing not to verbally state their address may ask the clerk at the podium for an address card. Please fill it out and return it to the clerk. Are there any questions from the board members about the Chair procedure? (no response) Seeing none, are there any questions from the applicants about the board procedure? (no response) Seeing none, are there any questions from the audience about the board procedure? (no response) First order of business is to approve the minutes of our last June 15th meeting. Are there any additions or corrections to these minutes? (no response) Seeing none, do I have a motion to approve?

Motion by a board member (the motion was made without a microphone, and the speaker was not identified), seconded by George Bovell, to approve the minutes from the meeting on June 15, 2011. The vote was unanimous to approve the minutes.

DISTRICT 1

1. EUGENE BROWN & LOIS KENT BROWN – request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1334 (4) to permit a variance of 85 ft. from the required 150-ft. minimum lot width as required by the AU zoning classification. The property is currently zoned RU-1-11 and is described in **Section 17, Township 21, Range 35**. (15.32 acres) Located on the north side of Cuyler St., approx. 0.38 mile east of Harry T. Moore Ave. (Mims)

BOA ACTION: Bovell/Pasley – APPROVED, as depicted on the survey provided by the applicant, and subject to approval of the AU zoning. Vote was 3:1, with Young voting nay.

Mary Hillberg – Will you both be speaking?

Kevin Jester – My name's Kevin Jester. I filed the application. I'm purchasing the property from Mr. Brown.

Mary Hillberg – If you're both going to be speaking, you need to give your name and address, and then I'll swear you in.

Kevin Jester – Kevin Jester. Current address is 1301 Maytown Road, in Oak Hill, Florida. The zip code is 32759.

Mary Hillberg – Thank you. Do you swear and affirm that everything you'll say today is the truth?

Kevin Jester – Yes, ma'am.

Mary Hillberg – O.K. Go ahead.

Kevin Jester – I'm not exactly sure what information you want from me. But we're purchasing the property from Mr. Brown. We're beekeepers, and we're going to live there and run our beekeeping operation from that location. And the way I understand it, although we've got a 65-foot wide driveway, which is as wide as Cuyler Road at that point, that we don't have enough road frontage under the current zoning regulations to get the property changed back to agricultural zoning, and to be able to build on the property. So we're just requesting a variance. You know, the property was in that configuration prior to the change in the law, and we're just asking to get the variance so we'll be allowed to put our business there, and run an agricultural business there, and live there.

Mary Hillberg – I see. Do you have anything else to add? Does the other gentleman? Is he going to be speaking?

Mr. Brown indicated, from the audience, that he was not going to speak.

Mary Hillberg – Questioning should be open to District I. He's not here, so we're going to go to George, from District IV.

George Bovell – Initially, I thought that Mr. Brown was asking for the variance. And my first question would have been why – since he owned the lot that's adjacent to the driveway, why couldn't he cure it himself. I understand he's trying to sell the property. So I understand where this is going. So I'm satisfied with what I've heard.

Mary Hillberg – Does anyone else have any questions?

Dave Pasley - I take it there's nothing built on this property at the present?

Kevin Jester – No, sir. Presently, there's nothing built there.

Dave Pasley – Thank you.

Mary Hillberg – I'd like to ask Paul if you can help us with – what are the surrounding areas here? I mean, the surrounding area is residential?

Paul Body – Yes, ma'am. The property was all rezoned around it to an RU-1-11. And now this gentleman is seeking to rezone it back to an AU. It also had a BDP on it to keep part of it as a residential development of two units per acre, but not on the part that he's seeking. Everything around it right now is single-family. There is some AU that does butt up against it that...

Mary Hillberg – In the back.

Paul Body - ...is to the east.

Mary Hillberg – East. I see. And are there any rules for building, and setbacks, and so forth, that would be increased with the AU, that would affect the neighbors?

Paul Body – Actually, they're going down in density. They were having - four units per acre was the future land use, holding the RU-1-11 to. And they're going to be having at least two and a half acres now.

Mary Hillberg – Thank you, Paul. Go ahead, Dale.

Dale Young – Could you tell me, again, what's the mentality in doing away with flag lots?

Robin Sobrino – I'd be glad to address that. That was the direction of the Board.

Dale Young – Yes. I'm looking for the reasoning behind it.

Robin Sobrino – Because, although the flag lot ordinance provided for a subdivision into only two parcels of land - anything three or more parcels out of a parent parcel, by Florida Statute, is defined a subdivision - there was a waiver provision in our land development regulations that allowed you to seek more than two flag lots out of a parcel of land. As a result, we were ending up with what were tantamount to being subdivisions with

not the appropriate drainage, engineering and infrastructure so that driveways ended up not being properly maintained by the new property owners. There was an expectation that they were moving in to a so-called subdivision with property drainage and proper access, not understanding that those flag stems and easement arrangements were really their responsibility to maintain, and it was a private matter once the lot split took place. In order to take that dissatisfied purchaser out of the arena of coming to the Commission to say, "Help me with a problem that I purchased, because I didn't realize what I was buying," the Commission said, "Let us now go to something called a minor subdivision." It's a more streamlined process than the regular subdivision, but it allows for some basic engineering and access to each of the lots. And it will ensure that subsequent purchasers end up with good access for emergency services.

Dale Young – But that comes with the requirement for the commiserate engineering, and layout, and the environmental planning, and all the other things that that person must get in order to use that piece of property. If you have a flag lot, an entry driveway, why wouldn't a person who's using the driveway be maintaining the driveway?

Robin Sobrino – That's a very good question. But that does happen that people don't realize that it's their responsibility. The code only requires a minimum of a 25-foot access strip. It's insufficient for somebody to get a garbage truck, or a fire truck, down the road. And we've only seen the net negative result of it, as opposed to the benefit of it. It may work in a very rural low-density environment but, unfortunately, Brevard County no longer is a rural low-density environment.

Dale Young – Well, that's my problem with this. He's asking for agricultural. We're losing all of the Ag in Brevard County. So, number one, that's my problem. This is a 65-foot entryway, which is as wide as the County road. Why aren't we closing the County road? This does not, to me, make a lot of sense. So I'm just asking for the logic behind it and, so far, I haven't found it.

Robin Sobrino – Let me just clarify that, number one, this applicant is not seeking agricultural zoning from you. He's asking for relief from the agricultural...

Dale Young – Understand.

Robin Sobrino - ...regs. So that's...

Dale Young – But, you see...

Robin Sobrino - ...why he's here.

Dale Young - ...your recommendation here that we must nail it, or we should nail it, to the Ag zoning. So this is what you had recommended.

Robin Sobrino – No. What we're saying here is that he is seeking agricultural zoning. He doesn't have the appropriate lot width requirement, so he needs to seek a variance in order to even proceed with the rezoning request. What we're also trying to make a point to you is that rather than looking at this property individually - Mr. & Mrs. Brown own, collectively, 65 acres of land here, and they're wishing to carve out this one particular piece right now, with substandard lot frontage. Since they own not only the adjacent property to the east, but substantial holdings in the entire vicinity...

Dale Young – Which belongs to the Browns.

Robin Sobrino – Which belongs to the Browns. Now, currently, this property belongs to the Browns right now. The transfer of ownership has not occurred yet. So what we're saying is that we're just suggesting that the board consider what the tests for a legal zoning hardship are before you render your verdict on...

Dale Young – I would consider...

Robin Sobrino - ...this application.

Dale Young - ...any taking as a hardship. And what you've done by the ordinance is, in fact, a taking that was not there prior to October 2010.

Robin Sobrino – No, sir. A 150-foot lot frontage has always been required by the AU classification.

Dale Young – And so have flag lots. Now flag lots are not permitted.

Robin Sobrino – No, now he doesn't have the ability to ask for a flag lot but, instead, he can apply for a variance to lot width. It's the same...

Dale Young – No, I understand. That's why we're here.

Robin Sobrino – That's correct.

Dale Young – O.K. That's all I had.

Paul Body – I'd like to add one other thing. The flag is only 65 feet wide. He still needs 75 feet, if it was RU-1-11. So he's still be seeking for relief of that.

Dale Young – He has 65 feet.

Paul Body – Yes, but the RU-1-11 requires 75 feet. So he would still be seeking for relief from that.

Dale Young – Whatever happened to the 25-foot that you were permitting? I know some pretty big developments in Merritt Island that have a 25-foot entry roadway. O.K.

Mary Hillberg – Are there any more questions from any of the board members? (no response) You may have a seat, sir. Thank you. Is there anyone in the audience who would like to address this item? (no response) Seeing none, do you have last words, sir?

The applicant asked, from the audience, if he would have to come back to the podium.

Mary Hillberg – You do, if you're going to say anything else.

Kevin Jester – I just wanted to make it clear – they were talking about how much other property Mr. Brown owns – in the application to change to AU zoning, we're applying for the entire 65 acres to be changed back to AU, and not just the 35. And then with the additional property he owns with the road frontage, he's already agreed to sell that to a family member that's been making payments for several years. So that additional property to give me additional road frontage, you know, is not available to sell. So I just wanted to make those two additional comments.

Mary Hillberg – Thank you.

Kevin Jester – Thank you.

Mary Hillberg – This item is closed to the public. And what is the pleasure of the board? George.

George Bovell – I'd like for us to approve the variance, as depicted on the survey, subject to the AU zoning request.

Mary Hillberg – O.K. Is there a second?

Dave Pasley – Second.

Mary Hillberg – Dave has seconded it. Do we have discussion?

Dale Young – Yes. I would object to the AU requirement. We're dealing with this property, as is, today. We don't know what the AU zoning decision is going to be. And it really will have no bearing on this. We're still back to the same problem of the width.

Mary Hillberg – Is this not the variance that we're permitting, from 85 to 150?

Robin Sobrino – I believe that we discussed with the applicant that in the event the AU were not approved, that the variance that you are considering today, if approved by the Board of Adjustment, would not provide him with the relief he needed if he still has RU-1-11 zoning, which is what Paul just explained, we suggested that he might want to consider an alternative request, and that would be the variance to the RU-1-11 lot frontage requirements. Since they want AU zoning, and RU-1-11 will not get them where they ultimately want to go, they opted not to seek an alternative request. So they're just asking for so-called the roll of the dice for AU zoning, hoping that it gets approved by the Board.

Mary Hillberg – And this motion included dependent upon the AU, as well, I believe.

Robin Sobrino – And that's the motion of Mr. Bovell that I heard.

Mary Hillberg – Yes. Right.

Dale Young – Well, I still – there's 80 acres involved here that - to me, that's a pretty nice agricultural parcel. And I'd like to see a few more Ag parcels in Brevard County. I think you're going to need them before the next five years are over. So I wouldn't vote to tie this to the AU zoning.

Mary Hillberg – O.K. Any other comments? (no response)

Mary Hillberg called the question on the motion, and the board approved the variance, as stated above. The vote was 3:1, with Dale Young voting nay.

DISTRICT 5

2. DAVID G. HICKS – requests variances of Chapter 62, Article VI, Brevard County Code, /1/ Section 62-1341 (5) (b) to permit a variance of 4 ft. from the required 7.5-ft. side setback (north) for an accessory building; /2/ Section 62-1341 (5) (b) to permit a variance of 3 ft. from the required 7.5-ft. rear setback for an accessory building; /3/ Section 62-2100.5 (1) (b) to allow the total floor area of accessory structures to exceed the floor area of the principal structure; and /4/ Section 62-2100 (1) (d) to permit a variance of 1,491 sq. ft. over the maximum 1,209 sq. ft. (50% of the floor area of the principal structure) allowed for an accessory building. The

property is zoned RU-1-9 and is described in **Section 2, Township 28, Range 36**. (0.854 acre) Located on the west side of New York St., approx. 426 ft. south of Miami Ave. (2166 New York St., Melbourne)

BOA ACTION: Bovell/Young – DENIED requests 1 & 2, and APPROVED requests 3 & 4. Vote was unanimous.

Mary Hillberg – Could the applicant please come forward. Could you give us your name and address, please.

David Hicks – David Hicks, 2166 New York Street, West Melbourne, Florida, 32904.

Mary Hillberg – Thank you. And, sir, do you swear and affirm that everything you'll tell us today is true?

David Hicks – I do.

Mary Hillberg – O.K. Go ahead.

David Hicks – I'm asking to replace an existing structure with a larger enclosed structure to house RV's, boats, other things. It's basically - what I have there now is 45 by 45, roughly, and I'd like to go 15 feet wider than what's currently there. The main reason for it is to have protection for my RV, boat and other miscellaneous items, in the event of weather, maybe even a hurricane, something where I can leave them on the premises and not have to pay storage fees at a remote location.

Mary Hillberg – I see. You're in District V. Is that all you have to say?

David Hicks – Yes, ma'am.

Mary Hillberg – You're in District V, and that's Dale's.

Dale Young – Looking at the survey here, I see we're looking at three and a half feet from the side, and four foot/six from the rear. But in the photos, it appears that you have some wobble room here that you could possibly still meet the setbacks...

David Hicks – Yes, I could.

Dale Young - ...going the other direction with this building?

David Hicks – You're correct. I very well could meet the setbacks. I was just hoping to move it to the furthest – you know, back as far as possible to have usable space in front of the building, but yet have enough space along the edges to maintain it.

Dale Young – Well, if it were 70 feet, instead of 60 feet, you'd still have the space between your house and the garage, and still get the space that you're talking about.

David Hicks – O.K.

Dale Young – But - and still meet the setbacks. So then we're only dealing with 3 and 4. Does that sound like a workable plan?

David Hicks – So, in other words, abide by the seven-and-a-half-foot setbacks, and maintain the same dimension that I'd like to have?

Dale Young – Yes. You could still get the – you’ve got room there to get the same floor dimensions, or square footage.

David Hicks – Yes, you’re correct. I was just trying to – because, in other words, it would be wasted space behind the building. And, if it makes a difference, I did get approval letters from my neighbors, the bordering neighbors - I can give you each a copy, if you’d like – stating they don’t have an issue with it. And the existing structure that is there now on the back side is too close. It’s two to three feet off of the property line. So I’d like to go ahead and give it some more space, because it’s too close. And then on the north side it’s, I think, roughly 12 feet now, and I’d like to invade on that space and utilize it, if I could.

Dale Young – Well, I assume the seven and a half feet is for the people in the Fire Department. I don’t know of any other reason.

Paul Body – Yes, that’s correct.

Dale Young – But that’s just a thought. If the space is here to go ahead and meet the setbacks, then argue about the square footage.

David Hicks – O.K. I agree.

Mary Hillberg – I’m not sure I quite understand.

Dale Young – Well, he can move this, the rear and the side, to meet the seven and a half feet, but just extend the proposed garage out the other four feet.

Mary Hillberg – Farther in, right. So he wouldn’t need this variance, right?

Dale Young - Yes, it would be 40- by maybe an 80-foot building, or 76-foot building.

Mary Hillberg – I see.

Dale Young – Or thereabouts.

Mary Hillberg – Does anyone else have any questions of this applicant?

George Bovell – Yes. I just want to – when you talk about the – this is for the staff - the combined square footage of the accessory buildings, you’re talking about those two buildings combined, when you compare them to the primary structure. Right?

Paul Body – Yes, that’s correct. We added up, off of the survey, his accessory buildings. He had a shed that was 80 square feet. He had an accessory building that’s connected with a covered screen-way. Well, it’s a covered way, breezeway. But it’s over the 20-foot requirement to make it part of the primary structure, so it’s still considered an accessory building. That came out to 1,617 square feet. And, plus, the proposed new accessory building comes up to 2,700 square feet. So that’s where we came up with a total square footage of accessory buildings was 4,397 square feet. And his total square footage of his house is 2,418 square feet. So that’s where we came up, using the square footages off of the survey provided.

George Bovell – Thank you.

Mary Hillberg – I’d just say that’s a big building.

David Hicks – Yes, ma'am, it is. I have pictures here, if you'd like to see it.

Mary Hillberg – If you'd like to give us pictures, or letters, we have to keep them.

David Hicks – That's fine.

Mary Hillberg – Would you like to read these, George, just for the record?

George Bovell – Yes. They all appear to be the same. "I have been aware of Mr. Hicks's request for a variance to build a new detached enclosed accessory structure in the northwest corner of his property, which will replace an old detached carport structure now existing in the same corner of the lot. As an adjacent neighbor to the property, I have no objection to the construction of this new metal garage building, and ask that the Board of Adjustment approves the variance request." And that's from Mr. Sean Ortiz, at 2179 New York Street, Melbourne, Florida, 32904; Mr. Bruce Autrey, 2154 New York Street, Melbourne, 32904; and Jim & Stephanie Murphy, 2142 New York Street, Melbourne, Florida, 32904; and Jim & Valerie Smith, 2165 Oklahoma Street, Melbourne, Florida, 32904; and last, Mr. Dean Stinebaugh, Jr., 2155 New York Street, Melbourne, Florida, 32904.

Mary Hillberg – Thank you, George. You all can have a seat, if you're finished. Is there anyone in the audience who would like to speak to this issue? (no response) Seeing none, you have a last word, sir, or final.

Mr. Hicks indicated, from the audience, that he had nothing further to add.

Mary Hillberg – All right, this is closed now to the audience, as well as the applicant.

George Bovell asked a question, without his microphone.

Mary Hillberg – Sure. A motion or discussion. A motion would be best, and then we can discuss it.

George Bovell – Motion to deny the request for the easement; however, I would approve the size of the structure, so long as he gets it within the required easement.

Paul Body – You mean the required setbacks.

Mary Hillberg – He means the setbacks.

George Bovell – Yes. Motion to deny the setback requests, but I would approve the size of the structure, if he can get it within the setbacks.

Paul Body – To deny variance 1 and 2, and to approve 3 and 4.

George Bovell – Yes.

Dale Young – I'd second.

Mary Hillberg – And that's a second. Is there any discussion? (no response)

Mary Hillberg called the question, and the motion was passed. The vote was unanimous.

DISTRICT 4

3. CITIZENS' APPEARANCE BY MARK & KELLY PALACE.

BOA ACTION – Bovell/Young – APPROVED request for rehearing of Variance No. Z-3352.

Paul Body – Item number 3 is a request by Mark & Kelly Palace. And they're requesting the board's consideration for rehearing of Variance V-3352. The applicants are requesting that the board consider rehearing the variance that was denied on June 15, 2011.

Kelly Palace – Good afternoon. My name is Kelly Palace, and I am – my address is 2065 Highway A1A, in Indian Harbor Beach, Florida.

Mary Hillberg – Thank you. Do you swear and affirm that everything you'll say today is true?

Kelly Palace – I do.

Mary Hillberg – O.K., go ahead.

Kelly Palace – Based on Section 62-218, new evidence not discoverable by the applicant prior to the initial hearing, I would like to request a rehearing. The only neighbor of the four adjacent neighbors to the last hearing – all three out of four were approving our shed variance to keep the shed where it is, except the one neighbor who did show up, Terry Pettit, and read her letter of pain. She has recanted, and I think it's because we've replaced the beautiful fence, we've painted the shed, we've fixed the shed, we've sodded the yard. You know, it's a gorgeous property now. It was a foreclosure. And I have a letter here from her, and I brought a copy for each of you, if you'd like to see it.

Mary Hillberg – Sure. And do you have a signed copy for the record?

Kelly Palace – Well, it was an email. But I'm sure she would be here if she was – and all we're looking for today is just a rehearing. So, you know, as evidence, I'll be happy to have a signed copy from her, if you'll rehear it. But she's saying she spoke with Rick, who is her husband, and they've decided they're willing to make the following changes, and they will indeed write a letter to you all, telling them to allow you to keep – allow me to keep it, which is the shed. But this is from Terry, and it's – you know, it's quite pertinent and new to denying the shed, because the only reason the variance was not denied "sic", from my understanding, was her appearance here. So I'd like to request that rehearing, if we could.

Mary Hillberg – I'd like to add that it wasn't the only reason that it was denied. The requirements that this board has to look at variances have to do with that worksheet that you filled out, and those six questions. And her argument, or aspects, were probably involved in one of those questions that mentions, "The granting of this variance will be in harmony with the general intent, and will not be injurious to the area or detrimental to the public welfare", and so forth. It's like number 6 question. So when we hear from neighbors, and others, that are for, or not in favor of, a variance, it isn't just popularity like, "Well, we've got five letters, so this is a go," you know. It doesn't have to do with that. It has to do with if we feel that this person has said, "This will cause me to lose value, that this will be injurious to me, and it's not in the public welfare," and so forth. So that is probably the reason for that judgment. And I'm not sure what other issues were brought up at the time, because I don't have it in front of me. But it isn't just because, you know, of that.

Kelly Palace – I actually had listened to the transcript, and it was actually – George had stated he would like to make a motion to approve the variance. And then the final wording, and the guy that said this wording is not here, but he said based on the neighbor's complaint, that this was why it was being denied.

Mary Hillberg – But what I'm sure Mr. Kusterer was saying was not just because you can't have a variance because somebody in your neighborhood doesn't like it. But it's because it was – they presented it in such a way that convinced him, and the other members of the board, that this was not in the public interest.

Kelly Palace – Well, all I'm asking for today is that under Section 62-218, we have new evidence, and I'd like to present that new evidence. And I have actually other new evidence, as well. So I'm just asking, based on new evidence, would we get a rehearing, please.

Mary Hillberg – George, did you have something to add?

George Bovell – Yes. Actually, I've just become very clear on the case that we heard. Is your husband a real estate agent?

Kelly Palace – Yes. He's right here with me. Mark.

George Bovell – O.K. Yes, everything was based, from what I remember of the case, on that lady's objection. So I would recommend that we rehear the case.

Mary Hillberg – O.K., we have a motion to rehear this case. Is there a second?

Dale Young – I'd second.

Mary Hillberg – A motion and a second. Any further discussion? (no response)

Mary Hillberg called the question, and the board voted to grant the rehearing. The vote was unanimous.

The meeting was adjourned at 2:09 p.m.