

BOARD OF ADJUSTMENT MINUTES

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, January 19, 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: Fred Kusterer, District 1
Mary Hillberg, Chair, District 2
James Rosasco, District 3
George Bovell, District 4

Staff members present were: Diana Johnson, 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. There were four regular members present and voting.

Mary Hillberg – Good afternoon. I now call the scheduled meeting of the Board of Adjustment to order. We are missing one of our members, I see, but we have quorum, so that's fine. Paul, from Planning & Zoning, could you – would the staff like to describe the function and operation of the Board of Adjustment to our applicants, and the 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 in a court of competent jurisdiction for appropriate relief. Ms. Chairperson, you have one item on your agenda today.

Mary Hillberg - Thank you, Paul. And for a definition of a hardship, would Jim Rosasco – would you like to please read, for our audience, the definition of a hardship?

James Rosasco – A variance hardship - undue 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 requested variance, the applicant will have no reasonable use of the property under existing development regulations. Personal medical reasons shall not be considered as grounds for establishing undue hardship sufficient to qualify an applicant for a variance. Economic reasons may be considered only in instances where a landowner cannot yield a reasonable use, and/or a reasonable return, under the existing land 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, Jim. 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. We will utilize Robert's Rules to conduct our meetings. The Chair is asking all board members not to speak 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 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. Each speaker will please be concise in what they have to say, as we are not timing this meeting. It is important to stay on the subject and to avoid information that is not relevant to your specific situation. 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 Chair procedure? (no response) Seeing none, there are no questions from the audience, either. The first order of business is to approve the minutes of our previous meeting, December 15th. Are there any additions or corrections for those minutes? (no response) Seeing none, is there a motion to approve the minutes?

Motion by James Rosasco, seconded by Fred Kusterer, to approve the minutes from the meeting on December 15, 2010. The vote was unanimous to approve the minutes, as submitted.

DISTRICT 4

1. LUKE & JAN L. MIORELLI; MARK PAUL & KATHLEEN KLAYMAN; JAMES W. & MARGARET M. KNEPPER; EDNA FAIRBANKS-SMITH & JAMES K. SMITH, TRUSTEES; AND NANCY LOUISE RAUCH LAYTON – request variances of Chapter 62, Article VI, Brevard County Code, /1/ Section 62-2109 (c) to permit a variance 6 ft. over the 4-ft. height limitation for a fence within the front setback area; /2/ Section 62-2109 (a) to permit a variance of 2 ft. over the 8-ft. height limitation for a fence in a commercial zoning classification; and /3/ Section 62-2109 (a) to permit a variance of 4 ft. over the 6-ft. height limitation for a fence in a residential zoning classification. The property is zoned BU-1 and RU-1-13 and is described in **Section 32, Township 26, Range 37**. (4.35 acres) Located on the east side of U.S. 1, approx. 1.3 miles south of the Pineda Cswy. (4715 U.S. 1, 4735 U.S. 1, 4725 U.S. 1, 4675 U.S. 1, 4663 U.S. 1, Melbourne)

BOA Action: Bovell/Rosasco – APPROVED requests #1 & #2 for 4715 U.S. 1, as depicted on the survey provided by the applicant. Vote was unanimous. Bovell/Rosasco – APPROVED requests #1 & #2 for 4735 U.S. 1, as depicted on the survey provided by the applicant. Vote was unanimous. Bovell/Rosasco – APPROVED requests #1 and #2 for 4725 U.S. 1, as depicted on the survey provided by the applicant. Vote was unanimous. Bovell/Rosasco – APPROVED requests #1 & #2 for 4675 U.S. 1, as depicted on the survey provided the applicant. Vote was unanimous. Bovell/Rosasco – APPROVED requests #1 and #3 for 4663 U.S. 1, as depicted on the survey provided by the applicant. Vote was unanimous.

Mary Hillberg – Would the applicant please step forward to the podium.

Luke Miorelli – Good afternoon. My name is Luke Miorelli, and I'm representing myself and my wife, Jan, the Kneppers, the Klaymans, the Smiths and Nancy Layton. We're all neighbors there along the river. When U.S. 1...

Mary Hillberg – Your address?

Luke Miorelli – Mine's 4715 North Harbor City Boulevard.

Mary Hillberg – Thank you. Do you swear and affirm that everything you tell this board is the truth?

Luke Miorelli – Yes.

Mary Hillberg – O.K. Go ahead.

Luke Miorelli – Back when U.S. 1 was widened to six lanes, they raised the level of U.S. 1 between four and five feet in front of all of our properties. As such, they backfilled onto our properties to slope it back, but that left - the roadway's about four feet above the property line. So if we went in and put a – either a six- or an eight-foot fence, depending on what the property was, if you were walking the sidewalk, it's still at about waist high when you go over it. Under a normal fence measurement that you – because it has to be measured at the base of the fence, and our property slopes away, we're measuring down at a lower datum just to start the – you know, normally, you would have a roadway, and then you'd have a curb, and it would come up, and where you'd measure the fence is about a foot or so higher than the centerline of the road. Our situation is it's four feet lower than the roadway where you'd measure the fence. So by extending the fence up to ten feet, we net having a six-foot high fence. The other extenuating circumstance that happens with that is, if you choose to move the fence eastward from the property line to clear the telephone and the big power poles, and all there, and put plantings in there, it continues to drop down, and it just gets shorter and shorter as you go down towards the property. The difference between the roadway and the low point in front of my home is about 15 feet, I think. It's from Elevation 24 to Elevation 8, so it's 16 feet. So it's really – it really slopes down, and then it goes back up towards the river and the homes that are about Elevation 13. So what we're asking for is permission to build a wall on that area. And even if we fill it, since it's going to be measured – and the Code says you can't build a berm and put the wall up on top of the berm, so we can't – we can't adjust for it that way because of the slope. So that's why we're here, and that's what we're asking for. I think the – it started coming to a head when, about two years ago, there was a murder just up the street from us that still hasn't been resolved. My wife works out of the home. The neighbors, the Smiths, are retired, and they're there all the time. So it was just a matter of wanting the option, if we wanted to, to put more security on our properties.

Mary Hillberg – All right. Is that all you have to – that's your opening statement?

Luke Miorelli – I think so. That pretty much describes what we're trying to do and why we have a hardship.

Mary Hillberg – All right. Your representative is George, and George will ask the questions.

George Bovell – First, let's deal with the issue of the zoning. Is any one of these properties that is affected has a commercial retail zoning?

Luke Miorelli – They all have the – the front 200 feet, which is from the roadway back on – from the Klaymans, south to the Smiths, not including Nancy Layton, who is the furthest south of the property, they're zoned BU-1, the front 200 feet. Nobody has any commercial uses on any of them.

George Bovell – They're all being used for residential?

Luke Miorelli – They're all being used for residential, only.

George Bovell – So the fence line – the fence, if we consider a fence, we need to consider a fence for residential use?

Luke Miorelli – It's going to be used for residential, yes.

George Bovell – Fantastic. O.K., that's cleared up. We got that cleared up. Now, other than the front fence that goes adjacent to U.S. 1, are you gonna be requiring a variance for the side fences, the fences that goes down towards the river?

Luke Miorelli – I think if we can – if we put fences that went down towards the river, they would just be under what the current – except for in the setback. But, you know, the current one down the sides - no one has any intention of putting a giant wall between the homes. It was just up at U.S. 1.

George Bovell – What about in between the homes?

Luke Miorelli – In between the homes, right now, between the Laytons and the Smiths, there's a six-foot high stockade board-on-board.

George Bovell – I understand. Are you asking for anything in between the homes?

Luke Miorelli – No. This is just at the U.S. 1 right-of-way.

George Bovell – Just the U.S. 1 right-of-way. Nothing on the sides?

Luke Miorelli – No, I – you know, let me couch it with, we would want to return them, you know, down - if you were to build a fence and put a gate on it, you'd need to put returns that would – you know, on your individual property, in order to get a gate down the hill, so you'd have stacking room.

George Bovell – This is your survey.

Luke Miorelli – Yes.

George Bovell – I noticed that this property here is not included, and I'm wondering if from here to here is the only thing we're discussing today.

Luke Miorelli – That's correct, yes.

George Bovell – That's it, just the front?

Luke Miorelli – Just the front. Yeah, that property – the reason that property's not there is, that piece that's left out is two separate single-family residential lots, two 50-foot wide lots, and the Smiths own the north half of that. But they're deeded separately. And it's just – it's an old – an old parcel.

George Bovell – O.K. And who owns this – who owns...

Luke Miorelli – The south half of that is owned by the Sanders, which Gary Sanders is – owns All Star Ice, up in Cocoa.

George Bovell – And if you put a fence along here, how is Mr. Sanders going to get to...

Luke Miorelli – He has an easement. There's a 15-foot easement on the north side of the Smith's property that goes back there. Yes, I used to own the Sanders' house. I sold it to them, so I'm very familiar. But there's easements recorded for access for them coming back through there.

George Bovell – All right. Since we're just dealing with the front – I went to the property today to have a visual from the street and from the driveways inside the property. And, yes, when you're on U.S. 1, and you look at the fence, these fences that are already there, essentially you have about two feet of effective fence left.

Luke Miorelli – That's correct, yes.

George Bovell – So if we were to grant you a variance for – to compensate for that, just for a four-foot fence, you know, we'd give you an additional two feet (unintelligible), so it'd be a six-foot fence.

Luke Miorelli – Correct.

George Bovell – O.K.? But looking from the inside of the property, looking out, I think that a ten-foot fence is way too high. All right? An eight-foot fence, in my estimation, is basically what you need. As you look out, there's about two feet of fence that protects you from U.S. 1. And if you were to get another six feet on top of that to compensate for those that's missing, I think that is basically what you need.

Luke Miorelli – Well, actually, at the grades, the – it's a bit deceiving, 'cause you look down at the grades from the edge of the road, 'cause the road slopes away there when you come through the (unintelligible) swale. From there to the property line is a little over four feet in elevation change.

George Bovell – I understand. I'm looking at – if I was – if the fence was to come a little bit farther back, yes, you know, your four-foot fence would have disappeared, and it would be even with U.S. 1. But where the fence line actually is, to U.S. 1, you've got about a two-foot difference.

Luke Miorelli – Right.

George Bovell – That's what it's – I'm looking at exactly where the fence is gonna be.

Luke Miorelli – Originally, what I was asking for, and then I was told we couldn't do it, was that we had a variance for the height to make it eight feet, but that eight foot would be measured from the roadway. Or that it was six feet, measured from the roadway, and what it was, it was, based on that. And then I was told by County staff that you couldn't get a variance on how you measured a fence. So that's where they said, "Well, just ask for an extra two feet." 'Cause my concern is – ultimately, what I'm envisioning doing on my property is building a fence that somewhat zigzags. So when I zigzag it, I got to go back down the hill. If I come back, you know, to create like planting areas off there, and when I zigzag it to do that, then half – then the part that goes towards the east becomes a noncompliant because of how you measure the fence. So, you know, that was why I said – I thought, well, if I could ask for six feet, measured from the roadway, then if I wanted to set it back, I still got the same effective height. But I told – I was told I couldn't do that. The only thing I could do was ask for an additional two feet that would cover moving it back down the hill. Realistically, to build a ten-foot high fence is real expensive because of the wind loads that go on it. So by jogging it back and forth, you can also reduce the size of your foundations to do it. So that's how we got to that. I mean, that's the description of it, was to try and be able to set back the fence to put landscaping in front of it. When you do that, you kind of shoot yourself in the foot, 'cause now it's got to shrink again, which gets rid of the height.

George Bovell – Well, I tell you, I – you know, I'm not really concerned about all the other things you want to do. I went out there today looking at your land, and this hardship, specifically from – O.K., if you had a six-foot fence, essentially, a real six-foot fence, you'd have an effective four-foot fence.

Luke Miorelli – Two foot. It'd be an effective two-foot fence.

George Bovell – That's (unintelligible) from my perspective.

Luke Miorelli – Well, I'm just saying, just on the measurements, it only becomes two feet.

George Bovell – O.K. And if we gave you a ten-foot fence, essentially you have – where the fence is going to be, where the property line is, you would have a six-foot fence. That's why I'm saying a ten-foot is way too high. That is my opinion. The rest of the board's got...

Luke Miorelli – O.K. That was why – that's why I put the dimensions in here. We measured it to find out what that dimension really was.

George Bovell – O.K. I'm done.

Mary Hillberg – Anyone else? Jim

James Rosasco – Yes, I have some questions. I understand completely what you're trying to do here. And I appreciate the elevations that you have here on your survey so we can see the fact that you're really starting off four feet in the hole...

Luke Miorelli – Right.

James Rosasco - ...when you're – to get to the crown of the road. You got a four-foot drop, just to start, from the crown of the road. Then you have six feet and the fence you're looking for. I've seen so many of these sound walls, and sound barriers, put up on all the highways. To me, it looks like what you're doing here, with private dollars, is putting your own sound wall up.

Luke Miorelli – That's part of it, yeah, sound and...

James Rosasco – So – and I would think that taking George's suggestion, instead of being a ten-foot, maybe be an eight-foot fence, anyone walking along the sidewalk can easily see over that fence, then, and defeat, I would assume, to be the purpose that you're looking for, is some sort of security.

Luke Miorelli – That was part of the issue, yes.

James Rosasco – So I respectfully disagree with George. I think that the ten-foot fence would be appropriate, and I would be supporting that. Thank you.

Mary Hillberg – Fred, do you have a thought?

Fred Kusterer – No questions.

Mary Hillberg – Well, I did also drive by your – this property. And I had to go a couple of time, because I couldn't quite figure out the numbers. And I found numbers, and then there were other numbers. And, finally, after three or four circles on this very busy road, I finally figured out where it was. And as I was driving, I think there's only one house – and as you're looking at this whole square that you have outlined here, I think it's the second from the left - that I can actually look down and see the front of the house.

Luke Miorelli – And I think that would be the Kneppers. The gray home?

Mary Hillberg – Yeah, it looked gray. It looked like it had xeriscaping. It's looked very...

Luke Miorelli – Yeah, that's the Kneppers.

Mary Hillberg - ...clean. But you could actually see their house. The rest of these houses were large trees with a little glimpse of a rooftop here and a rooftop there. But there's no – I couldn't even tell what other homes were back there, or how many there were. So, you know, it seemed to me that that was – you know, vegetation would really serve you better and be less expensive than doing this, particularly if you're only gonna have this secure wall along one side of your property, because, you know, those who would take your things would go around the wall. So, you know, that would be my thought. My other thought is that in your – the six questions that you answered...

Luke Miorelli – Yes.

Mary Hillberg – Number 5 says, “The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.” So this is the minimum variance that would make possible the reasonable use. And reasonable use has a definition, as well. It doesn’t only include abject total privacy. But, in the answer of this, you say that, “The variance is sought to adjust allowable height of site walls on these properties to be measured six feet above the crown of U.S. 1.” And then you say, “A second variance of 25 feet for the front setback is sought to allow a site wall to be built on the property line.” What does that mean?

Luke Miorelli – Well, that’s just the site wall on the property line. How you measure – that’s what I was saying before – how you measure it was the first one. And then they asked me to vary that request, because apparently you’re not empowered to grant a variance on how a fence is measured. So that was what the first part was. And that had to do with, you know, just because it’s sloping away, and where you put it. And so the 25 feet, and going forward, that is – there’s other properties along U.S. 1, particularly north of Pineda, that have been granted this same condition.

Mary Hillberg – So you’re asking for a variance of 25 feet from the front setback?

Luke Miorelli – Well, no, the...

Mary Hillberg – So you want to put your fence right on your property line...

Luke Miorelli – Yeah, to be able to put a...

Mary Hillberg - ...as opposed to the 25-...

Luke Miorelli – Right.

Mary Hillberg - ...foot setback.

Luke Miorelli – Because, at the 25-foot setback, it’s down so low that it’s – the top of the wall is lower than the sidewalk.

Mary Hillberg – O.K. I would – because I drove by, and drove by, and drove by, I would agree with George that I think probably a six-foot added to the two feet that’s there will give you an eight-foot wall. And where that fence is now, the one that’s on the front now, it looks to me like if you had another – and you’re gonna make these huge big thick walls. They’re not gonna be fences.

Luke Miorelli – No, they’re – walls are what we’re looking for.

Mary Hillberg – And that would be sufficient, certainly, to block any view. As I said, because it’s only in the front, if someone wants to get in, there’s the water, and there are the sides. So it’s not a, you know, really a security type of thing. It’s that, you know, probably for sound, and what you would prefer.

Luke Miorelli – Yes.

Mary Hillberg – That’s all I had to say.

Luke Miorelli – O.K.

Mary Hillberg – George, go ahead.

George Bovell – I'd like to clarify something. I'm looking at this elevation, the chart here.

Luke Miorelli – Yes.

George Bovell – And I'm assuming that each line represents one foot. Right?

Luke Miorelli – The vertical lines – there's a key on the side...

George Bovell – The horizontal lines.

Luke Miorelli – Yeah, the horizontal lines, I believe are one foot.

George Bovell – One foot. O.K. And this is where you want the fence to be, right?

Luke Miorelli – At the property line is where we're asking for the variance.

George Bovell – At the property line, you are two feet from the crown of – yeah, two feet from the crown of U.S. 1.

Luke Miorelli – At the property line, the elevation's 19.68. And...

George Bovell – I'm just looking at what this chart is telling me right here. This is your driveway. There's this first two feet that's fence. And then – so the first two feet brings you even with the crown of U.S. 1, and another six feet gives you a six-foot fence. Right? That's what I'm looking at.

Luke Miorelli – Well, there's an elevation right at the base of the wall. There's a small number there. You have to take the difference between that number and the 23.79. So that's 19 – it's 19.68.

George Bovell – Is this drawn to scale here? You said each of these would present one foot. Right?

Luke Miorelli – Approximately. But you have to go – it's actually below that. So you have 19 – I think it's 19.68, is that number at the base of the wall. That's the elevation at the property lines. And then the elevation at the road is 23.76, I think, isn't it?

George Bovell – O.K. But...

Luke Miorelli – So the difference...

George Bovell - ...what does that...

Luke Miorelli – The difference between those is how many feet. That's where the four feet comes from. Those elevations – we used the finished floor of 13.5 as our datum to shoot the grades. So that's 13.5 feet above sea level. So the road, at that point, is 23.79 feet above sea level, and the existing property, at the property line, is 19.68. So there's a difference of just over four feet in height between the two. And those are the actual grades that were shot out in the field.

George Bovell – O.K., thank you.

Mary Hillberg – And could I also ask you, along this proposed ten-foot wall, for each driveway would be an opening in the wall?

Luke Miorelli – Correct.

Mary Hillberg – So you'd have one, two...

Luke Miorelli – Five driveways.

Mary Hillberg - ...three, four, and I guess the fifth one for that. Thank you.

James Rosasco – I have an additional question. Then, apparently, this drawing isn't necessarily to scale, then?

Luke Miorelli – Well, it's – when you do sections, that's why you have to put the elevations on it, because the thickness of the line becomes six inches.

James Rosasco – Well, it looks to me like you're showing the base of that wall at 21 feet. If you look at your drawing...

Luke Miorelli – I've got the drawing that was originally done, that that was brought from, but when it scales it, that's...

James Rosasco – It just seems to be out of scale. What George was pointing out is the drawing, if you eyeball it, it looks like it's two feet. But the measurements...

Luke Miorelli – Yeah, and maybe – yeah, the actual measurements were about four feet.

James Rosasco – Is about four feet. So it's...

Luke Miorelli – I think that's where...

James Rosasco – It's a little misleading on the drawing. But if you look at the numbers...

Luke Miorelli – Yeah, when you get them down to small scale, that...

James Rosasco – So it is – there is four feet from your property line – elevation of your property line to the crown of the road is really about four feet.

Luke Miorelli – Correct. That's actually the edge – it's actually not the crown, 'cause it's the edge of the road. The road is at a super elevation...

James Rosasco – The high point.

Luke Miorelli - ...at that point. Yeah, the high point. Right out at – when you drive out onto the street.

Mary Hillberg – Right.

James Rosasco – Thank you.

Mary Hillberg – Thank you, Jim. When – and the land doesn't just stop there at the crown of the road. It goes on. That's a generally high area in that particular...

Luke Miorelli – Yeah, it used to be real low. But when they widened the road, they just raised – they put a lot of – and so we had discussions with FDOT and had them actually back that long gradual slope - that was actually backfilled by DOT. They were planning to leave us a 2:1 slope off the road edge. And we convinced them that that wasn't a suitable solution. But that's what generated this, is that the road got raised up so high.

Mary Hillberg – All right. Any further questions? (no response) No? Do we have a motion?

George Bovell – Yes. Approve, as depicted...

Diana Johnson – You need to have – I'm sorry, we just need to have the public comment, just in case there's anyone else that would like to speak.

Mary Hillberg – Yes. Is there anyone else here for public comment? You may have a seat, so he can speak. And your name and address, please.

Mark Klayman – Good afternoon. Mark Klayman, 4735 North U.S. 1, part of the petition.

Mary Hillberg – Do you swear that everything you say before this board is the truth?

Mark Klayman – Yes, ma'am.

Mary Hillberg O.K.

Mark Klayman – I just wanted to add to it that I put up the four-foot wooden privacy fence that you probably saw. And, really, the only thing that that is sufficient to do is to keep papers from blowing on my property. So this would be a huge benefit, I feel, especially along the lines of security. I'm a police chief here in the county. And security is an issue, I feel, especially with the road going from four to six lanes, and the sidewalk, and whatnot, there. It would be a great benefit, I think.

Mary Hillberg – Thank you. Anyone have any questions of this witness? (no response) No? O.K., you may be seated. Thank you. Do you have anything further to say, sir? (Mr. Miorelli responded, from the audience, that he had nothing further.) We're back to the board. What's your pleasure?

George Bovell – We have one letter.

Mary Hillberg – Oh, I'm sorry. We have one letter, one letter of objection.

George Bovell – Yeah, this letter – this person is objecting to the shading on the survey, rather than what's really being questioned here. As I read it to you, you'll see what I'm talking about. "Reference Miorelli, Klayman, Knepper, Smith and Layton request for a fence height variance to be heard 19, January, 2011. Brevard County Board of County Commissioners: I own 38 feet along Highway 1, and I'm opposed to the fence variation, as it will surround three sides of my property and limit its exposure to potential future use. The requestors had not contacted me about their intentions, and I was only made aware of it via the Brevard County notice. Please do not let my neighbors infringe beyond the current zoning restrictions. Thank you, Jim Morrissett."

Mary Hillberg – Where is the address for Mr. Morrissett? Is he one of the folks here?

Luke Miorelli spoke from the audience.

Mary Hillberg - Oh, that's the one that's left out. You have something to add to that, because of that? No?
George Bovell – I just want to clarify where this property is located, if you'd come back up.

Mary Hillberg – Sure. Come on back up.

George Bovell – It was (unintelligible), because this letter seems like it's addressing this right here.

Luke Miorelli – No, that's 4705 and 4695 North Harbor City Boulevard. The south half is owned by Gary and Jenny Sanders, and the north half is owned by the Smiths. I think his property is actually past the old Phillips College back here. He's back right where – I think he's the one where Coquina Drive comes in. He's like right where Coquina Drive comes in. He's not even...

Mary Hillberg – He's not in any of these?

Luke Miorelli – No.

George Bovell – O.K.

Luke Miorelli – Not that I know of.

George Bovell – Buy, anyway, what you're planning is not gonna happen as he fears.

Mary Hillberg – O.K., do we have a motion?

George Bovell – My motion is to approve the variance, as depicted on the survey, understanding we're talking about a fence that's – borders the front of the property as it runs along U.S. 1.

Mary Hillberg – O.K., we have a...

James Rosasco – I second that motion.

Mary Hillberg – We have a motion and a second. I would like to add that this is a – probably a wall that we're essentially talking about, and that we need to do these in accordance to their zoning. So...

Diana Johnson – If we could just – to clarify, if we could just have them per each property. That way, for future record, property owners would know which variance they received.

Mary Hillberg – O.K. For property 4715, is there a motion?

George Bovell – Motion to approve the variance, as depicted on the survey.

Mary Hillberg – With the six-foot fence for residential, and a two-foot fence for commercial. Is that correct? Am I correct? Yes. O.K., we have a motion and a second.

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

Mary Hillberg – All right, another motion?

George Bovell – Motion for 4735, address at 4735, approve, as depicted on the survey.

Mary Hillberg – And that would be for a six-foot fence and the two-foot fence.

George Bovell – Yes.

James Rosasco – I second that motion.

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

Luke Miorelli – Excuse me. I think those are the BU-1 zoning.

Mary Hillberg – Yes, they are.

Luke Miorelli spoke without a microphone.

Mary Hillberg - Right. That's what they are.

Luke Miorelli again spoke without a microphone regarding the motions that had been made.

Mary Hillberg had a conversation with Diana Johnson away from the microphones, while Mr. Miorelli had a conversation with other board members.

Mary Hillberg – All right. What we have here is a matter of semantics, so let's start over. For property with the 4715, we have a motion, and a second, to approve, and that's for the variance 1 and 2. These are the variances. O.K.? And then for property 4735, we had a motion to approve, and a second, and a unanimous agreement for variance 1 and 2. For 4725, do we have a motion?

George Bovell – What's – are they asking for – is it 1 and 2 for 4725?

Mary Hillberg – Yes, sir.

George Bovell – Yes, as depicted on the survey.

Mary Hillberg - O.K. And a second?

James Rosasco – Second.

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

Mary Hillberg – O.K. And for property 4675, for a variance 1 and 2.

George Bovell – Approved, as depicted on the survey.

James Rosasco – Second.

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

Mary Hillberg – Thank you. And for property 4663, for variance 1 and 3.

George Bovell – Approved, as depicted on the survey.

James Rosasco – Second.

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

At the conclusion of the agenda, discussion took place, as follows:

Mary Taylor – Do we have any further business for the board? Thank you, very much, everyone, for coming.

James Rosasco – Excuse me. At what point do we have elections of Chairman and Vice-Chairman? This is a new calendar year.

Diana Johnson – Give me one second, and I'll look it up. Thanks for bringing that up. You guys, you were all reappointed, and your terms started January 1, as the Code said. It doesn't give a specific date for when we vote Chairman, but if it's the pleasure of the board to do it today, it's your decision. Or we could wait 'til next month.

Mary Hillberg – That would be fine. Does anybody want to do it today?

George Bovell – No, I would like to put it off.

Mary Hillberg – We'll put it off until we...

James Rosasco – Let's wait...

Mary Hillberg - ...have five people.

James Rosasco – ...until we get a full board.

Mary Hillberg – Let's wait until we get five people.

Diana Johnson – We'll put it in on the – for next month.

Mary Hillberg – The next agenda.

Diana Johnson – That way, we'll give Dale notice, too.

Mary Hillberg – Yes, that's good. Thank you.

The meeting was adjourned at 2:08 p.m.