

BOARD OF ADJUSTMENT MINUTES

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, October 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: Mary Hillberg, Chair, District 2
Dale Young, Vice-Chair, District 5
Dave Pasley, Alternate, District 3
Sharon Savastio, Alternate, District 4

Staff members present were: Christine Lepore, Asst. County Attorney
Robin Sobrino, Director, Planning & Development Department
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 two regular members, and two alternates, present. All members present voted throughout the agenda.

Mary Hillberg – I now call the scheduled meeting of the Board of Adjustment to order. I would like to introduce a member who is replacing one of our regular members. Sharon Savastio is here to my right. And to my left is Dave Pasley, who is in place for Jim. Would our Vice Chairman, Dale Young, please explain to the applicants and to the audience the definition of a hardship.

Dale Young – Thank you. A variance hardship: A hardship 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 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 – Would the staff from the Planning & Zoning Office please describe the function and operation of the Board of Adjustment for our applicants and the audience.

Paul Body – Yes, Ms. Chairman. 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 the request for variances to the Zoning Regulation, and 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 two items on your agenda today.

Mary Hillberg – Thank you, Paul. I would like to address our board members, the applicants, and the audience, for a moment. The Board of Adjustment is a quasi-judicial board, with members appointed by the Brevard County Board of County Commissioners. We 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 board members have completed their questioning, we will then 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 be using a timer. Instead, each member, each speaker, is to be concise in what they have to say. It is important that we stay on the subject and that the information that you give us is 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 here 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 Chair procedure? (no response) Seeing none, our first order of business is to approve the minutes of our previous meeting. Are there any additions or corrections to those minutes? (no response) Seeing none, do we have a motion to approve?

Motion by Dale Young, seconded by Dave Pasley, to approve the minutes from the meeting on September 21, 2011. The vote was unanimous to approve the minutes, as submitted.

DISTRICT 4

1. JAMES L. & JANICE M. MARTELLI – request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-2118 (d) (3) to permit a variance of 1.5 ft. over the maximum 16 ft. (20% of width of 80-ft. canal) allowed for projection of a boat dock into a manmade waterway. The property is zoned RU-1-13 and is described in **Section 22, Township 26, Range 37**. (0.19 acre) Located on the east side of Sparrow Dr., approx. 580 ft. north of Skylark Blvd. (429 Sparrow Dr., Satellite Beach)

BOA ACTION: Pasley/Young – APPROVED, as depicted on the survey provided by the applicant, for a variance of 6 inches from the maximum 16 ft. allowed, and with the stipulation that the boat cannot be moored to the outside of the dock. Vote was unanimous.

James Stokes – I'm James Stokes. I'm an attorney for the applicants. My address is 100 Rialto Place, Suite 700, Melbourne, Florida, 32901.

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

James Stokes – I do.

Mary Hillberg – Thank you.

James Martelli – My name's James Martelli, and I live at 429 Sparrow Drive.

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

James Martelli – Yes, ma'am.

Mary Hillberg – Thank you, sir. Go ahead.

James Stokes – Before we get started, I do have some documents. Can I hand these out to you?

Mary Hillberg – If you want to give them to us, they stay with us.

James Stokes – That's fine.

Mary Hillberg – O.K. Thank you.

James Stokes – Honorable members of the board, again, my name is Jim Stokes. I'm an attorney. I'm a certified specialist in local government law. I've been doing that my whole career. I am here today, not only in that capacity, but also as a friend of Mr. Martelli. I've known him for about six years. And because of my experience in dealing with local government, although usually representing government, I know a lot about land use matters. I've been doing it for over ten years. And I told him I would help him because, as we all know, it can sometimes be a complex matter. I tell you that only to let you know that I'm not here to lawyer this case because, first of all, it's not my style. Second of all, it's not needed. But I am here to help a friend. And Mr. Martelli will attest to all the facts here and be available for questions of the details of this case. But I just want to run through, real quickly, and let you know that, first of all, at the beginning, what the agenda says is that the Martellis are seeking a variance of 1.5 feet for their dock to enter into the waterway. That has been changed. A survey that was just done actually indicates that the dock is not as wide as previously thought. So the variance we're seeking here today is only six inches. That's what we're looking for. The other thing to note, which is very important, is that this is not a new dock, and not new construction. The Martellis are not looking to build anything. The Martellis are looking to repair their existing dock. And when they hired a contractor to repair the dock, they went to pull the permits, and that's when they were told by County staff that their dock, that already existed, extended too far into the waterway. So that's why we're here today to get a variance to deal with this. Going back with a little bit of history, the Martellis bought this house in February of 1996, and this dock existed at the time. And so they've done repairs to it in the past. They did repairs to it later in 1996, through a licensed contractor. And they did repairs to the seawall in 2008, through a licensed contractor. This nonconformity was never caught in previous transactions when permits were pulled, and what have you. So it was caught this time, and that's fine. But that's why we're here, to give you some idea that this is not something that they're looking to building a nonconformity. They're looking to come back and cure something that was existing before they owned the property. What I'd like to do is run through the criteria, and kind of run through the exhibits that I've provided you, just to give you an idea, because I just want to give you guys a snapshot of what we're dealing with. As far as the criteria, the first one being that the special conditions and circumstances which are not applicable to any other land, structure or building in the applicable zoning code. The particular condition that the Martellis are looking at here is unique because of the language of the code itself. The code actually allows for a 30-foot dock, but then the second part of it says it can't be more than 20 percent of the waterway. Now, the waterway is listed as 80 foot. That, to my knowledge, hasn't been verified. But since we're only dealing with six inches, obviously even the surveys deal in tenths, you know, like they say that the dock is 16.5 feet wide. It should be 16 feet. That's if, in fact, it is 16 and 6 inches, and not being rounded, and that the waterway is 80 feet, and also not being rounded. If the waterway happened to be 82 ½ feet, we wouldn't even be here, because we'd be in compliance. So we're really dealing with inches, not feet, here. The second criteria that the special and conditions do not result from the actions of the application, again, this existed at the time the Martellis bought the property. What I provided in your packets – specifically, if you could go to Number 4, that is the appraisal which, as you can see, is dated January 31, 1996. And that is the appraisal from when the Martellis bought the property. And on Page 2, at the very bottom, under additional, it does show the boat dock with a 5,000-pound hoist. And then on the last page, it shows three photos of the property. The middle one specifically shows the dock, and the boat slip, and the roof. And it even shows the previous owner's boat sitting in there. This is the dock that we're dealing with, and this is the dock that was there. Now, a little anomaly in this case is that the survey that was done when the house was purchased back in 1996, the survey itself had a very inaccurate depiction of the dock. And that's on Tab 2. There's two surveys in there. And the first one, the surveyor just did the dock as a big square, you know, and listed it actually as 17.5 by 20 feet. That's where the 17.5 came from, why we originally thought we were looking for a foot and a half variance. But that surveyor was contacted by Mr. Martelli, which he can tell you about in a few minutes. And, of course, this was back in 1996. So when asked, "Why did you depict the dock that way?", he had no recollection of this survey. But he did go out on his own and resurvey the property. And that's the second survey that's in the package. It's done by the same surveyor. And he put a very accurate depiction of the dock and the slip, and the fact that it is a covered boat slip. So it's all there, as it exists. And

that's when we discovered that, as it exists right now, it's only 16 ½ feet. So we're only dealing with six inches here. So that is all shown that this is not anything that the Martellis built. This is the way they bought the house. It was 16 ½ feet into the waterway when it was built. They've had repairs done on it in the past – 2008, they got a permit for a new seawall and had that all done. This issue didn't come to light then through staff review. But it did this time, so we're dealing with it. But it's clearly not the Martellis' fault. It's not something they're looking to build. It's something they're looking to maintain and repair. As far as the third criteria, that the granting of this variance will not confer on the applicant any special privilege that is denied to other lands or buildings – that's why I come down to Tab 5 in my package. I went, just yesterday, to the Property Appraiser's website. They have their great aerial photos. And I took photos of this canal area. And I went ahead, because the Property Appraiser allows us to. They have four different views. This is a new program they have there. So you could do it from the north, from the south, and the east, and the west. So I kind of got all angles here. But these four pictures that I put in here – and I would ask you to look at all four – I offer them only for the reason of showing you that what the Martellis have right now, which is all they're asking for – they're not asking to expand it or build upon it, it's just – they're just trying to get permitted repair work for what's already there. You can see that it's very much in conformity with the other properties along that canal, and even the next canal over. As a matter of fact, while their dock might be a little bigger than some, it's even smaller than some, and extends out into the waterway less than some. Of course, not knowing what conditions everyone else is in. I just show you those to let you see that this is not a variance that's seeking to be obtrusive or overreaching, trying to put that, you know, ten pounds of sugar in a five-pound bag. That's not what's going on here. We're dealing with just, you know, six little inches for something that's existed for at least 15 years. The remaining criteria, just to touch on them briefly – and some of this is repetitious because, you know, quite frankly, criteria kind of tend to be a little repetitious. But as far as that the variance granted is the minimum variance that will make possible the reasonable use of the land, this is a very minimal variance. This is six inches. We're dealing with – actually, with the width of the waterway, we're dealing with six-tenths of one percent. The code says you could have 20 percent. This is actually going to give him 20.6 percent into the waterway. So it's very minimal. And the fact is, if this was a new dock that they were building, they wouldn't be here. They would build it to code. But it's not. It's already existing. They're just wanting to maintain it. And then, of course, the last one, dealing with will the variance be in harmony with the general intent and purpose of the chapter, and that the variance will not be injurious to the area involved, first of all, as far as it being in harmony, again, I take you back to the pictures. It's very much consistent with the neighborhood. And as far as it's not being injurious, it's quite the opposite. What the Martellis are wanting to do is maintain this. You know, it's an old dock. They're wanting to put in new pilings. They're wanting to keep it in good repair so it doesn't deteriorate. And what they're trying to avoid is having to tear it all out and make it six inches shorter, because that would obviously be much more of a hardship to them than simply just repairing, and keeping in good shape, what's there. So that's what we're dealing with. As I said, it's a very minimal variance. But we certainly hope the board sees fit to see that this is clearly something that the Martellis had no hand in. I'll ask Mr. Martelli to come forward and – first, before he gets started – you heard my presentation to the board. Was everything I told them true and accurate?

James Martelli – Yes.

James Stokes – If you have anything add, feel free.

James Martelli – First, I'd just like to say thanks to the board for allowing Jim to speak for me because, as you can see, this that he created is much more professional, and shows a respect to the board, and easier for you guys to look at, than what I was able to come up with. And I'm not familiar with the processes and things. So, Jim being a friend, he said, "Well, look, if you want support, I'll be glad to help you out." So I just appreciate you letting him speak for me. I don't know what else I can add. I do have – one of my neighbors, who's on these pictures, he lives across the canal and one house in toward the dead end of the canal, he has a 32-foot boat. He did send a letter that states he has no objection, and he actually has no navigational issues with a 32-foot boat, that my dock doesn't present any problems. He's lived across the canal from me for ten years.

I've been in the house almost 16. He lives there for ten years. And he was going to try to come today, but his work schedule wouldn't allow it. So he sent that letter. I don't know what else. Can I answer any questions?

James Stokes passed the letter mentioned by Mr. Martelli to the board.

Mary Hillberg – We will be keeping this letter. This will become part of the...

James Martelli – That's fine.

Dale Young – Did you say 32-foot?

James Martelli – Yes, it's a 32-foot boat. Yes, sir.

Dale Young asked another question without his microphone.

James Martelli – Yes, I would imagine. Yes, it's a 32-foot sailboat that he takes to the Bahamas for three months at a time. It's a live-on.

James Stokes – It's actually in the photo. Mr. Martelli showed me. In Tab 5, if you look back at the third one, which is the east view, it's his neighbor across the canal and to the right.

James Martelli – With the red canvas on the...

James Stokes – That's the neighbor that provided this letter.

Dale Young – The recommendation was that you couldn't moor it outside the dock. What are you going to do about this mast, take it down?

James Martelli – That's not my boat. No, that's my neighbor...

Dale Young – Do you have a sailboat?

James Martelli – No, I do not. No, my boat is in the boat slip. I have an 18-foot ski boat.

Dale Young – Oh, O.K.

James Martelli – No, I don't put anything on the outside of the dock.

Mary Hillberg – Sharon, would you like to start questioning? Have you finished?

James Martelli – Yes, ma'am.

Sharon Savastio – Actually, I wanted to say I'm very glad that you brought the handout, because my question was going to be where were you going to moor the boat. And, obviously, you're going to put in inside, under the roof...

James Martelli – Yes, ma'am.

Sharon Savastio - ...so it doesn't extend out.

James Martelli – No, ma'am. No, ma'am.

Sharon Savastio – That really was very helpful, because that was the question I had written down. When I saw the photograph, the question went away.

James Martelli – Thank you. And that's, again, why I thank you for letting Jim come and speak for me, because I wouldn't have had those pictures. I wouldn't even have known where to go to get those aerial photos.

Sharon Savastio – To me, I see some of the boats that actually stick out further than your dock.

James Martelli – Yes, ma'am.

Sharon Savastio – So they protrude out quite a bit further.

James Stokes – Mr. Martelli said he didn't want to get his neighbors in trouble.

James Martelli – Yes, he showed me those pictures, and I said I don't want to be throwing anybody under the bus here.

Sharon Savastio – Or under the water.

James Martelli – Yes, there you go.

Sharon Savastio – My questions on this no longer apply, because you're already answered them.

James Martelli – Thank you.

Mary Hillberg – Does anyone else have any questions?

Dave Pasley – Yes. Your handout here is just terrific. It answered more questions than I'll ever come up with. It's too bad somebody didn't throw a tape across the canal. I'd like to really know what the width of the canal was. It'd probably turn out to be 79 feet, or some dumb thing like that.

James Martelli – We don't want to find that.

Dave Pasley – No, we don't want to...

James Martelli – We want to find out it's 82 ½.

Dave Pasley – Don't stir things up, if we don't have to. The question I did have, though, is in your renovation process, will you be pulling pilings out?

James Martelli – The only pilings that are affected, if you look at the pictures, they're not the dock pilings that hold the dock up. They're the pilings that hold the roof up. And those are splitting. So what they do is, they go to one piling, they brace up part of the roof, they cut it with a chainsaw, put one in. They just go piling by piling. But none of the dock pilings will be pulled out.

Dave Pasley – That was the question because, obviously, if you're going to replace the pilings, move them in six inches. But I think your package really nailed it. I mean, it did a beautiful job of answering any questions I might have. Thank you.

James Martelli – Thank you.

Mary Hillberg – Well, if that's all the questions that the board has, you may have a seat. Is there anyone in the audience who would like to speak to this issue? (no response) Seeing none, we have one letter from Mr. Robert Cahall, at 428 Eagle Drive, Satellite Beach, Florida, 32937. And we'll read that into the record. "To whom it may concern: I am a resident across the canal from James Martelli, who lives at 429 Sparrow Drive. I do not object to allowing him a variance of 1.5 feet, or less, so that he may repair or maintain his dock. I have lived across the canal from him from over ten years and do not have a problem navigating past his dock with my 32-foot boat." Signed Robert Cahall. And we'll keep this for the record. And seeing since there's no one else here to speak for or against the issue, do you have a final comment to make, sir?

James Stokes – No. I think we presented everything. Thank you, very much.

Mary Hillberg – Thank you. O.K., closing it to the audience and the applicant, bringing it to the board. Do we have a motion?

Dave Pasley – I make a motion we accept the application.

Mary Hillberg – We have a motion to accept the application. Is there a second?

Dale Young – I would second. I'd just ask if he wants to include the stipulation that the boat cannot be moored to the outside of the dock, as suggested by the County.

Mary Hillberg – O.K., we have a motion to accept the application. Is this as depicted on the survey?

Dave Pasley – Yes.

Mary Hillberg – And you want to add to that, that the boat cannot be moored on the outside edge of the dock?

Dave Pasley – Yes.

Mary Hillberg – Christine, is this acceptable?

Christine Lepore – Yes, that's fine. I would just also like it on the record that the applicant has reduced the request to six inches, instead of one and a half feet.

Mary Hillberg – Correct. O.K., we have a motion and a second. Any discussion? (no response)

Mary Hillberg called the question, and the board approved the variance, as stated above. The vote was unanimous.

DISTRICT 5

2. DCTN3 314 MF MELBOURNE FL, LLC – requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1483 (5) (a) (2) to permit a variance of 15 ft. from the required 25-ft. front setback in a BU-2 zoning classification. The property is described in **Section 2, Township 28, Range 36**. (0.46 acre) Located on the north side of W. New Haven Ave. (U.S. 192), approx. 255 ft. west of John Rodes Blvd. (4450 W. New Haven Ave., Melbourne)

BOA ACTION: Young/Savastio – APPROVED, as depicted on the survey provided by the applicant. Vote was unanimous.

James Marshall Stanton – My name is James Marshall Stanton. I'm an employee of Sign Access, Incorporated, at 7205 Waelti Drive, Melbourne, Florida, 32940.

Mary Hillberg – And do you swear and affirm that everything you'll say today is true?

James Marshall Stanton – Yes, I do.

Mary Hillberg – Thank you. Go ahead.

James Marshall Stanton – Currently, this variance is to allow a wall sign and awnings of a proposed building to project within the setback that is required by County Code. The setback is actually regarding the building. Currently, the code requires the building to be set back 25 feet. The existing building is only set back ten feet from the right-of-way. The building is allowed to stay as an existing non-complying building. But to add a projecting item on to the front of that building, we're required to request a variance. So the variance is for the projection of the front wall sign, reading "Mattress Firm", as well as the awnings that are proposed on the front of the building, which have a 36-inch projection. If you look at your site plan that was provided, you'll see that the current building only has a ten-foot setback. The variance is not to allow the building, but to allow a sign, as well as awnings, on the front of the building. We currently have a permit to allow a sign on the side, which still will not allow for proper visibility for potential customers traveling on New Haven. We'd like to add that the awnings and sign projecting from the building will not interfere with pedestrian traffic or vehicular traffic. The sidewalk is still farther enough away from the building to where they won't come into play. There also will be existing – or there will be landscaping underneath the awnings, as well, so you're not protruding into any kind of sidewalk. I did bring a photo. I know aerial photos are nice to where you can visualize what's going on. I don't believe these were in your packets. I brought an aerial photo of the building as it was before the renovations were started, as well as a photo of the building before the renovations were started. So you'd be able to see here that there was existing signage, as well as lights, on the building that were projecting into the setback, already. We're just asking to be able to replace the sign and the awnings that project into this.

Dale Young – Can we have those?

James Marshall Stanton – Yes, you can.

Mary Hillberg – Thank you.

James Marshall Stanton – I'd also like to introduce Mr. Jones, who is with United Growth, who is also representing the customer, if you have any further comments.

Zeden Jones – Hi. My name is Zeden Jones. I'm from San Francisco. That's where I traveled from today.

Mary Hillberg – And your address?

Zeden Jones – 201 Spear Street, Suite 1150, San Francisco, California, 94106.

Mary Hillberg – And do you swear and affirm that everything you'll say today is true?

Zeden Jones – Yes, ma'am.

Mary Hillberg – Thank you. Go ahead.

Zeden Jones – So my role is the real estate developer. So I was the one that's been contacting and working with the planning staff. I first came out on June 1st, and brought our plans and a survey, showing what we were proposing to do to renovate this building. I also consequently followed through with staff to get a minor change of use application. I've also followed up to get a zoning verification letter to show that the building, with its setback, is allowed. But, again, this is a matter of public record, which addresses what were to happen in the future, say if the building was damaged, whether or not that condition would be able to (unintelligible). And there's stipulations towards that. And, also, I followed through with getting the building permit. Through all these phases, again, we consistently showed the signage, as proposed, and we consistently showed the awnings. We only found out about the issue of having to get a variance after we were under construction and were trying to get our final sign permit. So I just want to say we've consistently portrayed it this way. As Marshall mentioned, the building before did have signage on that street frontage, and it did have lighting. So there were existing projections; however, what we've done is we've eliminated the storefront entrance on that side, as well as the sidewalks that used to be there. I just want to point out that this is the southern elevation, so those awnings would be practical as far as the shade.

Mary Hillberg – All right. Dale, this is your – which of you is going to answer questions of the board members?

Dale Young – We aren't dealing with any sign question here? That's all been taken care of?

Paul Body – It is, because of the sign is going on to the building, and the building does not meet the setback, is what it is. We have taken the awning out of the variance, because we have determined that – with staff – that under 2121, Special Setbacks, that we're considering it like a roof overhang to allow it at four feet into the setback. So it's mainly just dealing with him having to put the sign back up on the face of the building, which doesn't meet setbacks.

Dale Young – O.K., good. It looks like this building has been there for the last 40-50 years.

Zeden Jones – Yes, sir.

Dale Young – O.K. That's all I had.

Mary Hillberg – Is there anyone else on the board – any other board member who'd like to ask questions?

Dave Pasley – Yes. Are there – is this in a CRA?

Zeden Jones – Not that I'm aware of.

Dave Pasley – There's no issues with, once we give a variance for a sign, that a CRA is going to come around in six months and say the color of the sign is wrong?

Robin Sobrino – This may be part of the proposed CRA corridor that was going to be a joint venture between West Melbourne and the unincorporated area. It's not a CRA yet.

Dave Pasley – It's not a CRA at this point.

Robin Sobrino – Right. So he would be establishing his signage under today's allowances.

Dave Pasley – Good. O.K. My other question, I think you've answered, was about the awning sticking out. I appreciate the fact that you need some protection from the sun on the south side of the building there. It's a little tough. But, thank you. That's all I have.

Mary Hillberg – You all may have a seat. Thank you. Is there anyone in the audience that would like to speak for or against this application? (no response) Seeing none, would you all like to make a final last statement, or have you completed what you were going to say?

James Marshall Stanton – We have no further comment. Thank you.

Mary Hillberg – O.K. Thank you. I will close to the audience and the applicant, and it's to the board. Is there a motion?

Dale Young – I would move for approval, as submitted.

Mary Hillberg – So you move to approve the variance, as depicted on the survey?

Dale Young – Yes.

Mary Hillberg – Is there a second? And we have a second. (Sharon Savastio seconded the motion, without using her microphone; therefore, it is not audible on the record). Is there any discussion? (no response)

Mary Hillberg called the question, and the board approved the variance, as stated above. The vote was unanimous.

The meeting was adjourned at 2:07 p.m.