

**BOARD OF ADJUSTMENT SPECIAL MEETING
CITY OF FORT LAUDERDALE
WEDNESDAY, APRIL 20, 2005 – 4:30 P.M.
CITY HALL – 8th Floor
100 N. ANDREWS AVENUE
FORT LAUDERDALE, FL**

BOARD MEMBERS

	<u>Present/Absent</u>	<u>Cumulative from January 2005</u>
Gus Carbonell	P	5-0
Don Larson	P	5-0
Scott Strawbridge	P	5-0
Fred Stresau	A	4-1
Binni Sweeney	A	3-2
E. Birch Willey	P	5-0
Patricia A. Rathburn, Chairman	P	3-2

ALTERNATES

Al Massey	A	4-1
Gerald Jordan	P	1-1

STAFF

Robert Dunckel, City Attorney
Don Morris, Acting Zoning Administrator
Greg Brewton, Deputy Planning and Zoning Director

Commissioner Christine Teel

Margaret A. D'Alessio, Recording Secretary

GUESTS

Dayna MacDonald	John Gattuso	Richard Grable
Priscilla Smith	Larry Rollert	Christopher Pollock
Bob Van Fleet	Brendan Abernethy	Cheryl Abernethy
Ted Abernethy	Richard Mancuso	Ted Fling
Bunney Brenneman	Annabelle McCarthy	Robert Lochrie
Bob Bekoff	Peg Nassar	John Gaduso
Richard Rothman	Mae Simmons	

CALL TO ORDER

Chair Patricia Rathburn proceeded to call the meeting to order at approximately 4:30 p.m. and the members of the Board and staff introduced themselves.

Birch Willey disclosed that he had spoken with Mr. Bekoff and Robert Lochrie regarding this matter. He advised that he had also attended the City Commission Conference Meeting which had been held yesterday.

Scott Strawbridge disclosed that he had spoken with Mr. Bekoff and Mr. Falkinger.

Don Larson disclosed that he had spoken with Commissioner Teel.

Chair Patricia Rathburn disclosed that she had spoken with Robert Lochrie. Chair Patricia Rathburn proceeded to explain that all matters before this Board were quasi-judicial.

All individuals wishing to speak on this matter were sworn in.

1. APPEAL NO. 05-16

APPLICANT: Water Taxi, Inc.

LEGAL: East-side – That portion of land underlying State Road A-1-A (SE 17th Street Causeway) in Sections 13 and 14, Township 50 South, Range 42 East, Broward County, Florida lying East of and adjacent to the Existing Right-of-Way for the Intracoastal Waterway.

West-side – That portion of land underlying State Road A-1-A (SE 17th Street Causeway) in Sections 13, Township 50 South, Range 42 East, Broward County, Florida, lying West of and adjacent to the Existing Right-of-Way for the Intracoastal Waterway.

ZONING: RMH-60 (Multi-Family Residential)

STREET: 17th Street Causeway/East & West Intracoastal Waterway

ADDRESS: Fort Lauderdale, FL

APPEALING: Sec. 47-24.12A.6 – To permit a temporary non-conforming use approval for a marina.

APPEALING: Sec. 47-5.21.A – To permit a marina in RMH-60.

APPEALING: Sec. 47-6.11.B – To permit a conditional use marina in B-1.

APPEALING: Sec. 47-20.3 – To permit parking reduction and exemption for 28 parking spaces.

APPEALING: Sec. 47-24.2.c - Exemption from Site Plan Level III.

APPEALING: Sec. 47-20.4.B.1 – To allow off-street parking.

APPEALING: Sec. 47-25.3.a.i.ii.b - Exemption for lighting requirements.

APPEALING: Sec. 47-21.3 – Exemption from landscaping requirements.

APPEALING: Sec. 47-25.3 – Exemption from requirements of neighborhood compatibility.

Chair Patricia Rathburn advised that after talking with the City Attorney, in regard to Sec. 47-25.3, Neighborhood Compatibility, a variance could not be granted or a waiver because it was part of the temporary non-conforming use criteria.

Fred Stresau asked what the implications were regarding Sec. 47-25.3.

Robert Dunckel, City Attorney's Office, stated that the criteria for a temporary non-conforming use permit required one to consider neighborhood compatibility. It must be considered and no relief could be granted in that regard. He stated this was not a variance and did not require the applicant to prove all the elements necessary for a variance. He proceeded to read the criteria that the Board had to consider when weighing the evidence. The Code provides: "A Temporary Non-Conforming Use Permit – A temporary non-conforming use permit may be granted upon demonstration by a preponderance of the evidence of the following criteria: Granting of the temporary non-conforming use permit shall not be incompatible with adjoining properties or the surrounding neighborhood, or otherwise contrary to the public interest." He further stated that such permit would be good for a maximum of 12 months with no extensions granted.

Gus Carbonell entered the meeting at this time, and disclosed that he had spoken with Robert Lochrie regarding this matter.

Chair Patricia Rathburn proceeded to welcome Commissioner Christine Teel.

Robert Lochrie, attorney on behalf of Water Bus, stated that he would provide an overview of the status of this project, and explain why they were pursuing the temporary use permit. He stated that Bob Bekoff operated the Water Bus for a number of years. During the last two years, they had been aware that Bahia Mar was planning on repositioning portions of their marina, and therefore, the Water Bus would need to find a new location. Several locations had been reconsidered, including an area north of the Las Olas Marina, along with an area at the Port. He further stated that they had been granted a 3-month extension of their lease at the Bahia Mar Marina. When discussing the location at the Port with the County, their concerns were in regard to Homeland Security. He advised they began discussions with FDOT who had been a big supporter of the Water Bus. He explained that last year the Water Bus transported over 750,000 people. This year the number projected was higher.

Mr. Lochrie stated that during discussions with FDOT, it was discovered that a portion of the area underneath the 17th Street Bridge belonged to FDOT. They approached FDOT regarding the possibility of using the area for a marina for the boats. FDOT agreed, but stated that they would have to obtain a lease from the City, who now had a lease on the west and east sides of the Upland portion of the Bridge. The submerged areas were within FDOT's purview and were not subject to the lease. FDOT wanted the City's lease to be extended to the submerged lands, and then the City could sublease to Water Bus as a long-term solution.

Mr. Lochrie advised that discussions took place with staff regarding the mechanism for this, and it was discovered that there was a lengthy process of not only getting the lease amended, but also a process to go through for public purpose through the Planning and Zoning Department and the City Commission. He stated that they approached the City regarding a temporary use permit, and went to FDOT for such a permit. FDOT granted the permit last month, and they then went before the Marine Advisory Board for their support which was also granted. Now, they were before the Board of Adjustment.

Mr. Lochrie further advised that a Revocable License also had to be granted by the City. The concept was that a one-year license would allow them to have two gangplanks, one on the east side and one on the west side that would attach to the City's leasehold property. On one side it did not actually attach to the leasehold property because it did not include the seawall, but the area would

be used to service the station. He added that they agreed to limit the fueling of boats to early hours in the morning.

Mr. Lochrie stated they went before the City Commission with this concept, and it became aware that some of the residents on the east side had serious concerns regarding this project. He stated that some of the City Commissioners also had concerns regarding how the facility would affect the park areas as a short-term solution. Unfortunately, there does not appear to be another location available on a short-term basis, but the City did want to assist in helping them find a permanent location. Some of the sites which have been considered were the Port and the Las Olas Marina. He stated they were opened to suggestions and willing to accept any assistance in helping them find a location.

Mr. Lochrie continued stating that concerns had been raised by residents, including fueling. He stated that a truck would pull up in the early morning and the boats would be filled. No fueling would be done on the east side. Another concern raised was the Boat Parade because this area had been used for assembly purposes for watching the parade. He stated that the boats would be removed during the parade. He explained that it would be a floating barge of about 48" above the water. During the day, the barge would not be visible and would be under the water.

Mr. Lochrie further stated that the Water Bus was important to the City and provided great publicity, while also providing a service to the City. This was not to be a terminal, but a dockage place for the boats at night and early in the morning.

Mr. Lochrie explained that the temporary use was consistent with the permit granted by FDOT to utilize the areas for one year, during which time they would attempt to find another location. He advised that the City Manager had been instrumental in obtaining the 60-day extension at the Bahia Mar site for them. In two weeks, their offices would have to move. He explained they floated the idea of cutting back some of the service on the east side and moving it to the west side. Vessels were not wanted on the east side. He stated they would eliminate the boats from the east side, but asked if they could put up a gangway connecting to the west side. He reiterated that this was the "Venice of America" and this was an important service.

Mr. Lochrie further stated that the adjacent neighbors supported this project, but requested that there be a bus stop or "whistle stop" at this location. It is a good idea, but they had agreed not to dock boats at the site. If it was determined that there was no other site for them to go to, they may have to put the boats at the east side once again. He stated that the list of items they requested this evening, he felt the most important was the temporary use within a marina.

Robert Dunckel clarified that the request before the Board was now only for the west side, and asked if they were looking to increase the vessels from 8 to more.

Bob Bekoff, owner Water Bus, stated they had discussions with the County and their problem was Homeland Security. He showed a restricted area on the map. He explained the major problem the County had was in regard to egress. He stated that a gorgeous facility had been designed for the northern section of the Las Olas Marina, but there were no riparian rights available. Therefore, if a variance was granted for 8 boats, they would have to find another location for the remaining 8 boats. He stated that this was the season when major overhauls were done, and therefore, the number of boats would be reduced.

Robert Dunckel clarified further that the applicant was seeking relief for 8 vessels on the west side.

Mr. Bekoff stated if the Port permitted them to do so, they would run another landing down to the south for whatever distance permitted. The Coast Guard did not have a problem, and they wanted to have enough room on the south side to store 12 boats. The Port indicated that if there was no egress to the Port Upland property, they would review the request once again.

Robert Dunckel stated that since the Board did not have the other plans in their possession at this time, they would be restricted to granting relief in regard to the 8 vessels.

Robert Lochrie clarified that the applicant may have to return before this Board and the City Commission regarding the other vessels.

Al Massey asked for some further clarification of the diagram being shown.

Mr. Lochrie explained the diagram in detail. He then explained that to the east and west of the Bridge, they were proposing a gangway that would lead to a floating landing.

Scott Strawbridge stated that he thought it was essential to dock a Water Bus vessel into the current. Mr. Bekoff agreed. Scott Strawbridge asked if they could only use half the dock due to the tidal conditions, what would happen with the remaining vessels.

Mr. Bekoff explained that the tide changed twice a day, and the last guy home would have the hardest time. He stated that the tide did not run in as fast as it ran out.

Don Larson stated that in October, 2002, a variance was granted to put the dock on the west side which was to be removed for the Boat Show, but that had not been done. Mr. Bekoff stated that he did not know why that had not been done. He stated further that at the time that was one of two handicap landings permitted in the City. Since then, they have funded through a Federal grant to have all landings handicap accessible. Don Larson stated that agreement had not been honored, and therefore, how could he be sure the applicant would honor the agreement that they would now be making.

Mr. Lochrie stated there was one distinction at this time. He stated this operation required a DOT permit which had been granted and was for one year. The only way it could be extended was to have the lease between DOT and the City extended, and then obtain a sublease from the City Commission.

Chair Patricia Rathburn clarified that it would ultimately be up to the City as to whether the lease should be extended or not.

Robert Dunckel stated that the temporary permit from DOT expires February 1, 2006.

Mr. Lochrie reiterated that they were hopeful they would find another location. Don Larson stated that it was his understanding that other locations were available. Mr. Bekoff stated there were a number of potential docks along the New River, but the major problem was that if they were Downtown at the extremity of their route, every time a work shift would start or stop they would have to leave from that site. Adding up all those times would take away from the efficiency of the operation. He further stated that another problem was that security along Riverwalk was almost non-existent. He continued stating that most of the slips along the New River were not available due to the contract being two years late for delivery of such slips.

Binni Sweeney stated they wanted a convenient location for their vessels. Mr. Bekoff reiterated that they wanted a practical location which was different from convenient regarding dollars and cents. Binni Sweeney reiterated that it appeared they wanted things for free.

Mr. Lochrie clarified that they agreed to pay the City to utilize the space.

Binni Sweeney asked why they could not go to a private marina and pay the required fees. Mr. Bekoff stated that the guy with the yacht does not want the yellow bus parked next to him, and that was why they were no longer going to be at Bahia Mar. Further, he stated that commercial dockage rates would be as inconvenient as the locations. The amounts would be about \$40,000 to \$50,000 per month. He stated that commercial marinas charged about \$2.00 to \$3.00 per foot, per day. He stated they have been attempting to find a practical and economical solution to this problem for 3 years. Binni Sweeney stated that they knew for two years about this problem, yet this Board had only been given a two-week notice regarding this meeting. She reiterated that she did not understand why they did not have a Plan A and B proceeding simultaneously. Mr. Bekoff stated they had various plans in progress and were in constant contact for years with the City regarding this problem.

Don Larson stated that the cost for the applicant was not a concern of this Board's.

Mr. Bekoff stated that he did not think the City believed his going out of business was a viable option. Don Larson further stated that might be true, but he felt that some solution could have been reached during the two years.

Mr. Lochrie stated they were asking for help. He explained they did not want to change the park or anything else, they only wanted to put in a gangway and use parking spaces they would pay the City for.

Chair Patricia Rathburn reiterated that the requests were not for variances, but for a temporary non-conforming use.

Binni Sweeney stated that they had just gone through a temporary one-year non-conforming use that extended into six years, and ended up going before the Special Master. The Board had a very bad taste in their mouth regarding such situations.

Mr. Lochrie stated this applicant had an agreement with the City to provide this service, along with an agreement with the County for such service. He stated they were going to seek a 30-day revocable license from the City Commission, and in addition they had a one-year permit with FDOT. Therefore, this situation was different from the example given.

Chair Patricia Rathburn stated that from the legal perspective the difference between the two situations were apples and oranges. She explained the previous applicant had owned the land and could not be evicted. In this proposal, the applicant would be a tenant under a revocable license and could be evicted by the City.

Binni Sweeney stated there was an example where a temporary non-conforming use was granted but had been ignored. Chair Patricia Rathburn stated that she did not know what course of action, if any, had been taken by the City against the applicant.

Scott Strawbridge stated there was a section along the Riverwalk that had 10 slips and had a CO, but was not opened to the public due to there being a malfunction in the pump system, which he did not think would affect this situation. He further stated that it was a licensed marina with power and parking available. Just to the west beyond the New River Landing site, there were slips available in front of the Courthouse.

Mr. Bekoff stated that those slips were at the extremity of their routes, and security was non-existent. Scott Strawbridge asked how security could be controlled any better under the bridge area. Mr. Bekoff stated that the area was safer and had better security. He stated that the gangway was locked from both sides, and they had no problems in the area. He further stated that there was also a lot of activity in the area.

Scott Strawbridge stated that the City could help the applicant in two ways. One was the suggestion previously made regarding the slips along the Riverwalk, and possibly the City could accommodate Mr. Bekoff financially at a reduced rate for the marina and supply a police officer or the area.

Mr. Bekoff stated that the City had offered slips along the River four months ago, and this could be an alternative for the 8 boats not landing on the east side.

Don Larson asked why would that just be an alternative for the 8 boats, and why could not all the vessels be accommodated. Binni Sweeney stated that it would be inconvenient. Mr. Bekoff stated that it would be very expensive for them to do so. He explained that he had an inflexible controlled rate that he could not pass on additional expenses to anyone. Being a public service, their rates were regulated and public hearings had to be held regarding any increases in fares. They were part of the mass transit system. He further stated that if they were not a public purpose, FDOT would not have granted them the permit.

Fred Stresau stated that the words "long-term" and "short-term" had been used. He asked what the difference was in this situation, and asked for further clarification of the term "long-term."

Mr. Lochrie explained that everything they were asking for was limited for one year. Don Larson asked if they would leave after one year. Mr. Lochrie reiterated they were asked to stay until the FDOT permit expired which was February, 2006.

Binni Sweeney asked if another location was not found would they want to make this site permanent.

Mr. Lochrie stated if they had to come back and make this site permanent, then a process would have to be followed, and decisions would have to be made by the City Commission. He stated that he could not say no, they would not have a place, and the water bus did not belong in Fort Lauderdale. He could not say that today. They had to find a location.

Fred Stresau stated if the requests were granted, he was concerned about the exemption from the Site Plan Level III. He stated that when they went before the City Commission, he would not be sure they had all the information they needed, since they would not have gone through a Site Plan Level III review.

Robert Dunckel stated that if the applicant got to the point where they needed to make this a more permanent location beyond February 1st, several things would have to take place. One is that FDOT would have to enter into a lease of the Submerged Bottom Lands with the City, and then the City

would have to sublease it to Water Taxi. Then, they would have to go for public purpose approval which meant going before the City Commission.

Scott Strawbridge asked if the applicant would have to come back before this Board. Robert Dunckel stated they would not because everything would be wrapped up through the public purpose approvals which would be granted or denied by the City Commission.

Scott Strawbridge further asked if they would then seek to alter the site so that it would be code compliant. Mr. Lochrie replied that was not correct, but if it came to that they would go before the City Commission for public purpose use.

Robert Dunckel provided the following example: if a developer was constructing single-family homes in an area and wanted to donate a fire station in the midst of such zone, the station could not go there due to zoning, but through the public purpose approval process, the zoning district could be bypassed. By virtue of their contractual relationship with the City and County to serve as part of the public's mass transit system, they would be in the position to apply for the public purpose approval.

Scott Strawbridge asked why when the City approved its parks they came to this Board for variances regarding lighting. He asked why this Board was not by-passed.

Robert Dunckel stated that he and Greg Brewton had asked staffed many times why things were done in this manner. He stated that both paths were available to staff, and he believed they were choosing the wrong one.

Scott Strawbridge stated that in essence between now and February 2nd, if the site were to be used for a longer term, they would have to go through Site Plan Level III to gain the variances. Mr. Lochrie clarified that public purpose approval was a Site Plan Level IV and required Planning and Zoning, along with City Commission, approval. He reiterated that such process would have to be gone through before February 1st. Scott Strawbridge asked if they would have to satisfy the changes in use and the parking exceptions through a public process. Mr. Lochrie confirmed.

Birch Willey clarified that it boiled down to the fact that they needed 3 votes on February 3rd for approval.

Robert Dunckel stated that the matter had to go before the Planning and Zoning Board before being presented to the City Commission so public input could be given.

Scott Strawbridge stated that meantime other sites would be reviewed, and he felt they needed to start processing those requests now.

Mr. Lochrie clarified that they had been granted 60 days to find an alternative site, and they were trying to do so. He added that within two months they would have to start the public service process.

Gus Carbonell asked what was the purpose of the parking lots, and why had they been built. Mr. Lochrie replied that he did not have the answer to that question. Mr. Bekoff stated that the parking lots were poorly utilized. He explained there was a gazebo on either side, pavers, and the rest was a parking lot. Gus Carbonell asked what was the closest drop off on the west side. Mr. Bekoff pointed to the area on the map.

Birch Willey stated that the temporary issue was one thing, and the word "attempt" was used various times. He continued stating that the lots were not utilized, but once the residents discovered them they would be used. He stated the access would be used on the west side. He stated that he liked the Water Taxi and used it occasionally, but there was no way he could see blocking the view long term for the residents. He stated that until he heard this was temporary and over, he could not take the chance to support the requests being made.

Mr. Bekoff stated that this is not a good place because it was a tough spot to navigate, but they had been doing it safely and successfully for 3 years. He further stated that if they went to another spot, operations problems arose. He stated that he would say that he would leave in a year because he had confidence in their decisions.

Mr. Lochrie stated that in 30 days they would have a better idea of where they would be regarding other potential spots.

Chair Patricia Rathburn stated that this issue would not be decided today, and she was willing to give them an opportunity to come before the Board at their regular meeting.

Mr. Lochrie stated they would know more about locations one week from now and would be willing to come before the Board at their regular meeting.

Binni Sweeney stated that if alternative locations were not desirable, the circumstances would not change from today.

Mr. Lochrie stated that he would rather wait since he did not have all the answers available today.

Don Larson stated that things were being taken away from some of the residents of the City, and he could not see doing so. He realized they had to do some further research regarding alternative sites.

Motion made by Birch Willey and seconded by Don Larson to defer this item until May 11, 2005 at 6:30 p.m.

The motion was withdrawn due to the fact that the public had not provided their input.

Chair Patricia Rathburn stated that public input was very important and some opinions might have been changed since vessels were to be removed from the east side. She stated that a public hearing would be held in May, and she felt it would be better for everyone to speak at that time on this matter. She further stated that if an alternative location was found in the meantime, the hearing would not even take place.

Larry Rollert, resident of Harbor Inlet, agreed that things should not be taken away from the residents. He stated they worked hard for the parking and there was a history there. He stated that no one was aware of this situation and now it was an issue, and special meetings were being held. He stated that there were serious objections and questions regarding this matter, and he did not feel the matter should be deferred. He reiterated that if a business could not be run properly, why should the residents have to fill in for the business since it was the entrepreneur's responsibility to operate the business.

Binni Sweeney stated that she was aghast when this special meeting was called for today. Chair Patricia Rathburn stated that this was a public service, and if other public services were to possibly

be discontinued, she felt special meetings would also be called. She saw no difference in the situations.

Dayna MacDonald stated that she was from the west side of the proposed area, and the park area was used by the residents for relaxation while providing them with a view.

Chair Patricia Rathburn stated that the Board realized that was a critical factor in this matter.

Peg Nassar, President of Lady Bug Pest Control, stated that she worked solely on ships and yachts for the past 28 years. She stated that she used this space to park and could not always use the parking at the Marriott. She reiterated that this parking was used for getting to the yachts in the area, and now was a busy season for them. She added that she liked the Water Taxi and promoted it to crews on the ships all the time, but if this request was granted to Mr. Bekoff she hoped they would consider that trades people did need access to the docks. Also, she stated that many residents went to this spot for views and fishing. She reiterated that this was an educational tool for her.

Chair Patricia Rathburn reiterated that the public would be able to speak regarding this matter at the meeting on May 11, 2005. She stated comments might have a larger impact at the evening meeting.

John Gaduso stated that he complimented Mr. Bekoff and the Water Taxi, but asked if an extension was granted regarding this matter, would the east side again come into play.

Chair Patricia Rathburn explained that if a request was made for the site to be permanent it would not come before this Board, but before the Planning and Zoning Board and the City Commission. She further stated that what this Board did would have no impact on their request for permanent status.

Robert Dunckel stated that it would be up to the applicant if they wanted to request using the east side.

Chair Patricia Rathburn stated that she believed the applicant understood the message being sent out by the residents.

Mr. Gaduso stated that if the Board allowed this, it would be again perpetuated for another year. Chair Patricia Rathburn replied that was not the case because this Board could grant it for a certain period of time and had no ability to extend the time period.

Binni Sweeney stated that she did not think the matter should be deferred and wanted to hear from the public on this matter.

Chair Patricia Rathburn stated that this was a very important issue and the applicant deserved the time to make their presentation when more residents could be present for the meeting.

Don Larson stated that he would be in favor of deferring the matter, along with Fred Stresau and Scott Strawbridge.

Chair Patricia Rathburn stated that the matter would be deferred.

Binni Sweeney stated that further explanation should be provided to the public regarding the process that would take place after the one-year time period.

Richard Rothman, Harbor Inlet, stated that earlier he heard that the applicant could go for other relief and request an extension.

Chair Patricia Rathburn reiterated that the applicant could not seek an extension. If this Board granted the temporary non-conforming use as requested, the maximum period that it could be used would be for one year. After that, they could begin the process of going before the Planning and Zoning Board and the City Commission to make this permanent. The fact that this Board granted the temporary use would have no impact on the new process. She stated they could be evicted if the City did not grant them the lease. This would involve two different procedures.

Priscilla Smith asked if notice provisions were complied with in regard to this meeting, and would they be complied with regarding future meetings.

Robert Dunckel replied that when a hearing is continued, there is no requirement for a re-notice. He hoped staff as a courtesy would provide notice. He stated that he presumed notice requirements were met regarding today's meeting, but staff would have to confirm.

Greg Brewton, Deputy Director Planning and Zoning, stated that they were required to notify residents within a 300' radius of the proposed site, and that had been done. Due to the sensitivity of this meeting, they would go beyond the normal requirements so more of the public would be notified of the next meeting.

Robert Dunckel asked if the applicant was willing to bear the cost of the additional notices that would be sent out. Mr. Lochrie agreed.

Mae Simmons stated that she was Chair of the Coalition that promoted the Bridge which now existed, and stated they worked hard to get the park and they valued the parking spaces in the area. She stated if the boats were on the east side, they would be using those parking spaces, and therefore, she objected to the proposal.

Mr. Lochrie stated that he had referred to a "whistle stop" on the east side, but if the neighborhood did not want it they would not do so.

Chair Patricia Rathburn stated that issue had not been presented to this Board.

Motion made by Binni Sweeney and seconded by Don Larson to close the public hearing. The Board unanimously approved.

Motion made by Don Larson and seconded by Binni Sweeney to defer this matter until May 11, 2005 at 6:30 p.m. Board unanimously approved.

Motion made by Binni Sweeney and seconded by Birch Willey to adjourn the meeting.

There being no further business to come before this Board, the meeting was adjourned at approximately 6:30 p.m.

Chair

Patricia Rathburn

ATTEST:

Jamie Opperlee for Margaret A. D'Alessio
Recording Secretary

A mechanical recording is made of the foregoing proceedings, of which these minutes are a part, and is on file in the Planning & Zoning Offices for a period of two (2) years.
