

**AGENDA  
 ZONING BOARD OF ADJUSTMENT  
 COUNCIL CHAMBER, BOCA RATON  
 201 PALMETTO PARK ROAD  
 WEDNESDAY, APRIL 7, 2010 @ 7:00 PM**

A. CALL TO ORDER: Mankoff, Barker, Cappeller, Gladstone, Panella, McDonough, Siegel

B. APPROVALS:

1.	MINUTES:	April 16, 2009
2.	CORRESPONDENCE:	
3.	SWEARING IN FOR QUASI-JUDICIAL HEARING:	

C. UNFINISHED BUSINESS: NONE

D. NEW BUSINESS:

E. POSTPONED BUSINESS:

1. BOARD OF ADJUSTMENT REVIEW:

BA-10-01 10-87500001	Carney, Keith	Petition of Mark Rickards of Bohler Engineering on behalf of Selig Enterprises Inc., for a variance from Section 28-745 (1), Code of Ordinances, related to minimum ground floor area for a proposed fast food restaurant in the RB1 Zoning District, at 1361 W. Palmetto Park Rd.
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F. DIRECTOR'S REPORT:

G. COMMITTEE'S REPORT:

H. CHAIRMAN'S REPORT: 2010 Meeting Schedule

I. MEMBER'S REPORT:

J. ADJOURNMENT

NOTICE: If any decision of the Zoning Board of Adjustment affects you and you decide to appeal any decision made at this meeting with respect to any matter considered, you will need a record of the proceedings and, for such purposes, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (The above NOTICE is required by State law. Anyone desiring a verbatim transcript shall have the responsibility, at his own cost, to arrange for the transcript.)

**Quasi-Judicial Public Hearing Procedures**  
**Zoning Board of Adjustment**

1. Any hearing listed on the agenda as a quasi-judicial public hearing will be conducted pursuant to these rules. This means that the Board is required by law to base its decision on the evidence contained in the record of this proceeding, which consists of the testimony at the hearing and on the materials which are in the official City file on this application at the end of the hearing.
2. At the beginning of the hearing, the members of the Board will announce for the record any “ex parte” contacts not previously disclosed in writing and included in the official City file. The name of the person with whom the contact occurred and the subject matter of the discussion will be disclosed.
3. The Board Secretary will administer an oath to all persons who intend to testify at this hearing. Each applicant shall disclose any consideration provided or committed directly, or on its behalf, for an agreement to support, or withhold objection to, the requested relief or action.
4. The City staff will make an initial presentation. The Chairman shall then establish the length of the petitioner’s presentation pursuant to Resolution No. 139-2001. The petitioner will then make a presentation. During the staff and petitioner’s presentation, only the members of the Board are permitted to ask questions.
5. After the petitioner’s presentation, all other parties who are present to testify and/or provide written or other evidence for inclusion in the record will be permitted to do so. During this time, only the members of the Board are permitted to ask questions.
6. After the staff, the petitioner and other interested parties have made their presentations, persons will be permitted to cross-examine participants in the hearing, including the staff and the petitioner, **in order of their appearance at the hearing**. Anyone who testifies at the hearing should remain until the conclusion of the hearing in order to be able to respond to any questions.
7. After the questions have been asked and answered, the petitioner shall be provided with an opportunity for a brief rebuttal and summary.
8. The Chairperson will then declare the public hearing closed, and a motion will be made regarding the matter. The Board will then proceed to discuss the matter and vote on the matter.

**Notice:** Any person who acts as a lobbyist pursuant to City Code, Article V. Code of Ethics, Division 2, Lobbyist Registration, must register with the City Clerk prior to engaging in lobbying activities before City staff, boards, committees and / or the City Council, or any member thereof. Separate registration is required for each principal / client represented and each City matter. All registrations expire on December 31<sup>st</sup> of each calendar year and new registration is required. Persons not already registered, may register at this meeting by obtaining a form from the board liaison or board clerk.