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| <p style="text-align: center;">CITY OF GAINESVILLE every path starts with passion FLORIDA</p> | <p>PLANNING AND DEVELOPMENT SERVICES DEPARTMENT: PLANNING DIVISION PO Box 490, Station 12 Gainesville, FL 32602-0490 P: (352) 334-5023 F: (352) 334-3259</p> |
| BOARD OF ADJUSTMENT MINUTES | |

OCTOBER 5, 2010 6:30 PM
City Hall Room 16
200 E. University Ave

I. Roll Call:

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| Members Present: | <input checked="" type="checkbox"/> James Harnsberger | |
| <input checked="" type="checkbox"/> Laura Dukes | <input checked="" type="checkbox"/> Rolf Hummel | |
| <input type="checkbox"/> Debra Neill-Mareci | <input checked="" type="checkbox"/> Joseph Schmid | |
| Staff Present: | Ron Combs | |
| Erik Bredfeldt | Lawrence Calderon | |
| Ralph Hilliard | | |

II. Approval of Agenda

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| Motion By: Schmid | Seconded by: Harnsberger |
| Moved to: Approve Agenda | Upon Vote: Motion passed 4 to 0 |
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III. Approval of Minutes:

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| Motion By: Hummel | Seconded by: Schmid |
| Moved to: Approve Minutes of 9/7/2010 | Upon Vote: Motion passed 4 to 0 |
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IV. Requests to Address the Board

V. Old Business - None

VI. New Business

A. Variances

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| BOARD MEMBERS | |
| Chair: Laura Dukes | Vice Chair: Debra Neill-Mareci |
| Regular Members: James Harnsberger, Rolf E. Hummel, Joseph Schmid | |
| Staff Liaison: Lawrence Calderon | |

These minutes are not a verbatim account of this meeting and have been proofed and edited by staff. A video recording of this meeting is available on the City of Gainesville website (www.cityofgainesville.org) through Video Streaming option. Recordings are also available from the Planning and Development Services Department

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B. Appeals

01. Petition BA-10-6 APP

Pressman and Associates, Inc., agent for Main and Waldo Investments LLC. Ice House America appealing an administrative decision of the Planning Manager to classify the proposed ice making and dispensing machine as a use in the Standard Industrial Classification as IN 2097 (Manufactured Ice) instead of a retail use for zoning purposes. Zoned MU-1 (Mixed Use Low Intensity, 8-30 du/ac). Located at 1030 SE 4th Ave.

Mr. Hilliard presented the petition on behalf of staff. He referenced the location of the property and show what the property looks like today. He explained that the applicant is appealing a decision by staff. He stated that staff classified the requested use as IN2097 but the applicant requested a classification of IN5999. He mentioned that this industry is fairly new and started about 2002. He stated that the use as proposed includes a machine making ice which is then sold at the site. He stated that the proposed use is allowed in other areas of the city, providing opportunities for conducting the proposed uses. He also informed the board that any decision rendered would have an impact on the entire city and not just on the current subject property.

Mr. Pressman representing Ice House of America addressed the board and asked to review the case based on the facts. He stated that IN2097 is referring to large manufacturing establishment. He listed some of the uses allowed under IN5999. He referred to staff's reference to personnel and size of facility. He defended the position that the use is a new use. He talked about a slippery slope in our definition. He asked the board to stick with ice dealers rather than with ice manufacturing.

Mr. Matt Tui stated to the board that the machine is comparable to the size of an air conditioning unit.

Dr. Hummel asked about a safety element if the unit is one that creates a tripping hazard to the general public.

Dr. Harnsberger emphasized that the issue here is scale and he thinks that allowing this use would be ignoring the element of scale.

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| Motion By: Dr. Harnsberger | Seconded by: Mr. Schmid |
| Moved to: Denial of the petitioner's request to classify the use as proposed as IN5999. Upholding staff's decision that the use is more appropriately classified as IN2097 which is not allowed in the MU-1 district. | Upon Vote: Motion was denied 3 -1, the desenting vote was Dr. Hummel |
| Dr. Harnsberger made a second motion to send a communication to the City Commission, City Manager, City Attorney and copy Mr. Bredfeldt to expedite the process for address the petitioner's request for a text change. | Dr. Hummel Seconded the motion |
| Upon Vote: Motion was approved 4 - 0 | |

