

**CITY OF PALM BAY, FLORIDA**

**BOARD OF ADJUSTMENT  
REGULAR MEETING NO. 2010-3**

Held on Monday, March 1, 2010 in the City Hall Council Chambers, 120 Malabar Road, SE, Palm Bay, Florida.

This meeting was properly noticed pursuant to law; the minutes are on file in the Land Development Division, Palm Bay, Florida. The minutes are not a verbatim transcript but a brief summary of the discussions and actions taken at this meeting.

Mr. Bob Williams, Chairperson, called the meeting to order at approximately 7:00 p.m.

Mr. Bob Williams led the Pledge of Allegiance to the Flag.

**ROLL CALL:**

<b>CHAIRPERSON:</b>	Bob Williams	Present
<b>MEMBER:</b>	Deborah Greenough	Absent (Excused)
<b>MEMBER:</b>	Richard Charshafian	Absent (Excused)
<b>MEMBER:</b>	John De Vivo	Present
<b>MEMBER:</b>	Ann King-Smith	Present
<b>MEMBER:</b>	James Boyd	Present (Late)
<b>MEMBER:</b>	Lawrence Repking	Present

Chairperson Williams excused the absences of Ms. Greenough and Mr. Charshafian.

**CITY STAFF:** Present were Robert Loring, Planner; Nick Tsamoutales, City Attorney Emeritus; Glenda Hege, Land Development Recording Secretary.

**ADOPTION OF MINUTES:**

1. Regular Meeting No. 2010-1, January 4, 2010. Motion by Mr. De Vivo, seconded by Mrs. King-Smith to approve the minutes as presented. The motion carried with members voting as follows: Mr. De Vivo, aye; Mrs. King-Smith, aye; Mr. Repking, aye; Mr. Williams, aye.

**ANNOUNCEMENTS:**

1. Mr. Williams addressed the audience on the meeting procedures and explained that the Board of Adjustment was a quasi-judicial board made up of seven volunteers appointed by the City Council.

Mr. Williams announced new members on the Board were Mr. Boyd and Ms. Greenough.

**NEW BUSINESS:**

1. V-3-2010 – WILLIAM HASLAM

The applicant had requested a variance to the Zoning Ordinance to allow a proposed wood deck to encroach the 25 foot side corner setback by a maximum of 7 feet in the HC, Highway Commercial Zoning District.

Mr. William Haslam (applicant) was present.

Mr. Williams asked the Board members if they had contact with anyone pertaining to the case and all members answered no.

Ms. Stacy Haslam (2595 Palm Bay Road, NE) was in favor of the request. There were no letters in the file.

Mr. Boyd arrived at this time and was present for the remainder of the meeting.

The Board asked Ms. Haslam about the current seating capacity of the business. The additional seating outside on the proposed deck would allow 20 more additional persons and that would be full capacity for the business.

Motion by Mr. De Vivo, seconded by Mrs. King-Smith to grant V-3-2010 a variance to the Zoning Ordinance to allow a proposed wood deck to encroach the 25 foot side corner setback by a maximum of 7 feet in the HC, Highway Commercial Zoning District. The motion carried with members voting as follows: Mr. Boyd, aye; Mr. De Vivo, aye; Mrs. King-Smith, aye; Mr. Repking, aye; Mr. Williams, aye.

2. V-4-2010 – JANINE CREAGAN

The applicant had requested a variance to the Zoning Ordinance to allow a proposed porch to encroach the 25 foot side corner setback by a maximum of 7 feet in the RM-15, Multiple Family Residential Zoning District.

Ms. Janine Cregan (applicant) was present.

Mr. Williams asked the Board members if they had contact with anyone pertaining to the case and all members answered no.

Mr. De Vivo brought the Board's attention to Item "C" in the staff report and stated that the dwelling would be internally configured where it would make it difficult to place a porch structure that could fit with the floor plan and property.

Ms. Gail Keller (1600 Davies Road, NE) was in favor of the request. There were five letters in the file in favor of the request

Motion by Mrs. King-Smith, seconded by Mr. De Vivo to grant Case V-4-2010 a variance to the Zoning Ordinance to allow a proposed porch to encroach the 25 foot side corner setback by a maximum of 7 feet in the RM-15, Multiple Family Residential Zoning District. The motion carried with members voting as follows: Mr. Boyd, aye; Mr. De Vivo, aye; Mrs. King-Smith, aye; Mr. Repking, aye; Mr. Williams, aye.

V-5-2010 – DOLLAR GENERAL CORP. (DENNIS WOOD, REP.)

The applicant had requested a variance to the Zoning Ordinance to allow a reduction in the number of required parking spaces from 45 required spaces to 33 proposed in the CC, Community Commercial Zoning District.

Mr. Dennis Wood (representative for the applicant) provided the Board with a short presentation and explained the request for reduction of parking spaces.

Mr. Williams asked the Board members if they had contact with anyone pertaining to the case and all members answered no.

The Board had concerns about the trees that would be left on the property, a traffic study that would be completed and the future of the building should the business be sold.

Staff explained that in the future if the business was sold that another business could require more parking and that would need to be considered. The Board asked Mr. Loring about the square footage allowed to a building in that area and he answered around 10,000 square feet which would require the larger amount of parking.

There were no comments from the audience and there was one letter in the file against the request.

Motion by Mrs. King-Smith, seconded by Mr. Boyd to deny V-5-2010 a variance to the Zoning Ordinance to allow a reduction in the number of required parking spaces from 45 required spaces to 33 proposed in the CC, Community Commercial Zoning District. Motion carried with members voting as follows:

Mr. Boyd	Aye
Mr. De Vivo	Nay
Mr. Repking	Aye
Mr. Williams	Aye
Mrs. King-Smith	Aye

V-6-2010 – ROBERT ERDMAN

The applicant had requested a variance to the Zoning Ordinance to allow a proposed metal accessory structure to be constructed that exceeded the 300 square foot maximum area by 275 square feet in the RS-2, Single Family Residential Zoning District.

Mr. Robert Erdman (applicant) was present.

Mr. Williams asked the Board members if they had contact with anyone pertaining to the case and all members answered no.

The Board questioned the applicant about the position of the proposed structure that would be on the property and the height of the structure. The applicant stated that it would be behind the home and the vacant lot. The Board was able to see a picture of the structure and that the height would be 12 feet.

There were no comments from the audience and there were seven letters in the file in favor of the request.

Motion by Mr. De Vivo, seconded by Mrs. King-Smith to grant Case V-6-2010 a variance to the Zoning Ordinance to allow a proposed metal accessory structure to be constructed that exceeded the 300 square feet maximum area by 275 square feet in the RS-2, Single Family Residential Zoning District. The motion carried with members voting as follows: Mr. Boyd, aye; Mr. De Vivo, aye; Mrs. King-Smith, aye; Mr. Repking, aye; Mr. Williams, aye.

**OTHER BUSINESS:**

Mr. Loring informed the Board that Council had voted and would finalize the dissolving of the Board of Adjustment in the near future.

**ADJOURNMENT:**

The meeting adjourned at approximately 8:25 p.m.

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Bob Williams, CHAIRPERSON

Attest:

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Glenda Hege, SECRETARY