

**CITY OF PALM BAY, FLORIDA**

**BOARD OF ADJUSTMENT  
REGULAR MEETING NO. 2010-6**

Held on Monday, June 7, 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.

Mrs. King-Smith 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	Present
<b>MEMBER:</b>	John De Vivo	Present
<b>MEMBER:</b>	Ann King-Smith	Present
<b>MEMBER:</b>	James Boyd	Absent (Excused)
<b>MEMBER:</b>	Lawrence Repking	Present

Chairperson Williams excused Ms. Greenough and Mr. Boyd's absence.

**CITY STAFF:** Present were Robert Loring, Planner; Glenda Hege, Land Development Recording Secretary.

**ADOPTION OF MINUTES:**

1. Regular Meeting No. 2010-5, May 3, 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. Charshafian, aye; 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.

**NEW BUSINESS:**

1. V-8-2010 – JOSHUA PINKERTON

The applicant had requested a variance to the Zoning Ordinance to allow an existing fence to encroach the 25 foot side corner setback by a maximum of 23.3 feet in the RM-10, Multiple Family Residential Zoning District.

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

The Board asked staff about Item C of the staff report and wanted to know if a permit had been applied for the fence and Mr. Loring stated that there were no records found. The Board wanted to know about Code Compliance's position toward the case and Mr. Loring stated that Code Compliance's position would be to create compliance and should the variance pass that they would accept the position of the fence.

Mr. Joshua Pinkerton (applicant) was present and provided the Board with pictures of the existing fence. Mr. Pinkerton admitted that he did not know that he needed a permit at the time he built the fence. The applicant's request would be to leave the location and height of the fence where it was due to his having animals and small children.

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. De Vivo to grant V-8-2010 a variance to the Zoning Ordinance to allow an existing fence to encroach the 25 foot side corner setback by a maximum of 23.3 feet in the RM-10, Multiple Family Residential Zoning District. The motion carried with members voting as follows: Mr. Charshafian, aye; Mr. De Vivo, aye; Mrs. King-Smith, aye; Mr. Repking, aye; Mr. Williams, aye.

2. V-9-2010 – WILLIS KIRK

The applicant had requested a variance to the Zoning Ordinance to allow an existing parking lot relief from the landscape requirement at every ten spaces, a request to allow the discontinuance of an existing loading zone, a request to modify existing landscape islands to less than the 100 square foot minimum, a request to allow a maximum 10 foot encroachment into the 10 foot side interior parking setback to allow for additional parking in the HC, Highway Commercial Zoning District.

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

There were no comments from the audience and there was one phone call inquiring about the case.

The Board stated that the City Manager had requested that this case first be heard by the Bayfront Community Redevelopment Agency for a recommendation prior to being heard by the Board of Adjustment.

Motion by Mr. Charshafian, seconded by Mrs. King-Smith to table Case V-9-2010 until the July 12, 2010 meeting. The motion carried with members voting as follows: Mr. Charshafian, aye; Mr. De Vivo, aye; Mrs. King-Smith, aye; Mr. Repking, aye; Mr. Williams, aye.

3. V-10-2010 – ROBERT GOODRIDGE

The applicant had requested a variance to the Zoning Ordinance to allow a proposed room addition to encroach the 25 foot rear setback by a maximum of 3 feet in the RS-2, Single Family Residential Zoning District.

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

Mr. Robert Goodridge (applicant) was absent.

The Board asked staff if there was a canal behind the home and Mr. Loring replied no.

There were no comments from the audience. There were no letters in the file.

Motion by Mr. De Vivo, seconded by Mr. Charshafian to grant Case V-10-2010 a variance to the Zoning Ordinance to allow a proposed room addition to encroach the 25 foot rear setback by a maximum of 3 feet in the RS-2, Single Family Residential Zoning District. The motion carried with members voting as follows: Mr. Charshafian, aye; Mr. De Vivo, aye; Mrs. King-Smith, aye; Mr. Repking, aye; Mr. Williams, aye.

4. V-11-2010 – PERRY CHEVES

The applicant had requested a variance to the Zoning Ordinance to allow a proposed covered entry and existing structure to encroach the 25 foot front setback by a maximum of 7 feet in the RS-2, Single Family Residential Zoning District.

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

Mr. Perry Cheves (applicant) was present and provided pictures for the Board of the existing entry way.

The Board stated that Item A, B, and C listed in the staff report would need to be considered and that the applicant would need to apply for a permit.

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

Motion by Mr. De Vivo, seconded by Mr. Charshafian to grant V-11-2010 a variance to the Zoning Ordinance to allow a proposed covered entry and existing structure to encroach the 25 foot front setback by a maximum of 7 feet in the RS-2, Single Family Residential Zoning District. The motion carried with members voting as follows: Mr. Charshafian, aye; Mr. De Vivo, aye; Mrs. King-Smith, aye; Mr. Repking, aye; Mr. Williams, aye.

**ADJOURNMENT:**

The meeting adjourned at approximately 7:30 p.m.

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Bob Williams, CHAIRPERSON

Attest:

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Glenda Hege, SECRETARY