

CITY OF PALM BAY, FLORIDA

**BOARD OF ADJUSTMENT
REGULAR MEETING NO. 2010-7**

Held on Monday, July 12, 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:

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

Chairperson Williams excused Ms. Greenough's absence.

CITY STAFF: Present were Robert Loring, Planner; Glenda Hege, Land Development Recording Secretary; Tim Ford, Bayfront Community Redevelopment Agency Administrator.

ADOPTION OF MINUTES:

1. Regular Meeting No. 2010-6, June 7, 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. Boyd, 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-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 (10) parking spaces, a request to allow the discontinuance of an existing loading zone, a request to modify existing landscaping islands to less than the 100 square foot minimum and a request to allow a proposed encroachment of 10 feet into the 10 foot side corner setback for additional parking in the HC, Highway Community Zoning District.

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

Willis Kirk (applicant) was present and explained further the needs of the request for more parking.

Mr. Ford stated the Bayfront Community Redevelopment Agency had reviewed the request and recommended approval of the variances except for the variance to allow a proposed encroachment of 10 feet into the 10 foot side corner setback; and that the plants removed for parking be replanted in the vicinity of where they were removed.

There were no letters in the file. Cassie Wolfson, Gordon Tanchen, and Joseph Deblio spoke in favor of the request. Paul Ruggere, a resident of Palm Bay Estates, stated that he had a memo with 400 signatures against the request.

The Board discussed the landscaping and encroaching of the side corner setback.

Motion by Mrs. King-Smith, seconded by Mr. De Vivo to grant Case V-9-2010 the reduction of existing landscape areas every 10 spaces in the existing parking lot for parking lot expansion, the discontinuance of the existing loading zone for additional parking, reduction or modification of existing or remaining landscape islands to less than the 100 square foot minimum, and to deny the proposed encroachment of 10 feet into the 10 foot side corner setback for additional parking. 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-12-2010 – JOSEPH NORELLI (REP. WILLIAM CLARK)

The applicant had requested a variance to the Zoning Ordinance to allow a proposed concrete retaining wall to encroach the 8 foot wide interior setback by a maximum of 8 feet in the RS-1, Single Family Zoning District.

David Watkins, Growth Management Director, had reviewed Case V-12-2010 and determined that a variance would not be necessary. The applicant would proceed with the vacation of easement for the rear retaining wall only.

3. V-13-2010 – GLENN SANDLER

The applicant had requested a variance to the Zoning Ordinance to allow a proposed Adult Arcade relief from the 100 foot buffer by a maximum of 14 feet as provided for in Section 185.088 (k) in the HC, Highway Community Zoning District.

Mr. Williams asked the Board members if they had contact with anyone pertaining to the case. Mr. De Vivo stated Attorney Richard Torpy had contacted him and he refused to discuss the case with him.

Mr. Sandler (applicant) was absent.

The Board asked staff if they were in compliance with Code Enforcement and Mr. Loring stated he was not sure.

Mark Seamer of Dynamic Muffler was not in favor of the request. There was one letter in the file against the request.

Motion by Mr. De Vivo, seconded by Mr. Boyd to deny Case V-13-2010 a variance to the Zoning Ordinance to allow a proposed Adult Arcade relief from the 100 foot buffer by a maximum of 14 feet as provided for in Section 185.088 (k) in the HC, Highway Community 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. De Vivo had been honored as City of Palm Bay Volunteer of the Year for the second time. The only person who had received the award twice.

ADJOURNMENT:

The meeting adjourned at approximately 7:45 p.m.

Bob Williams, CHAIRPERSON

Attest:

Glenda Hege, SECRETARY