

CITY OF PALM BAY, FLORIDA

**BOARD OF ADJUSTMENT
REGULAR MEETING NO. 2009-2**

Held on Monday, February 2, 2009, 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. Williams led the Pledge of Allegiance to the Flag.

ROLL CALL:

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| CHAIRPERSON: | Bob Williams | Present |
| VICE CHAIRPERSON: | Frank Illich | Present |
| MEMBER: | Richard Charshafian | Present |
| MEMBER: | John De Vivo | Present |
| MEMBER: | Ann King-Smith | Present |
| MEMBER: | Rodney White | Present |
| MEMBER: | Vacant | |

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

ADOPTION OF MINUTES:

1. Workshop Meeting, January 5, 2009. 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; Mr. Illich, aye; Mr. White, aye; Mr. Williams, aye; Mrs. King-Smith, aye.

2. Regular Meeting No. 2009-1, January 5, 2009. 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; Mr. Illich, aye; Mr. White, aye; Mr. Williams, aye; Mrs. King-Smith, 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-2-2009 – JAMES RITTER

The applicant had requested a variance to the Zoning Ordinance to allow a reduction of the minimum required parking from 50 parking spaces to 44 parking spaces and to encroach into the 10 foot front parking setback a maximum of 7 feet in the HC, Highway Commercial District.

Mr. Ritter (applicant) was in favor of the staff report. Mr. Ritter provided the Board with a list of days and times that the neighbor business had vehicles in the parking area. There would be a total of 3 handicap parking spaces between Mr. Ritter's business and the VFW building. The requirement was to have one for every 25 parking spaces.

Mr. Williams asked the Boardmembers if they had conversation with the applicant about the case. Mrs. King-Smith stated that she was on a fraternal organization with Mr. Ritter's partner and knew that they had purchased the property. Mr. Williams asked Mrs. King-Smith if she had gained anything monetary and she replied no.

Mr. Murphy explained in further detail about the staff report. Mr. Murphy stated the property with the oak trees would remain the same. Mr. Ritter would be going before Council on February 5, 2009, for re-zoning of the property.

Ms. Gloria McConville (1323 Worth Court, NE) and Mr. Alfred Agarie (281 Emerson Drive, NW) were not in favor of the request. There were no letters in the file.

There had been an agreement signed between the parties to share each others' parking area. It was not necessary for both parties to be on a deed.

Motion by Mr. King-Smith, seconded by Mr. De Vivo to grant V-2-2009 a variance to the Zoning Ordinance to allow a reduction of the minimum required parking from 50 parking spaces to 44 parking spaces and to encroach into the 10 foot front parking setback a maximum of 7 feet in the HC, Highway Commercial. The motion carried with members voting as follows:

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|-----------------|-----|
| Mr. Charshafian | Aye |
| Mr. De Vivo | Aye |
| Mr. Illich | Aye |
| Mr. Williams | Aye |
| Mr. White | Nay |
| Mrs. King-Smith | Aye |

2. V-3-2009 – CITY OF PALM BAY (REPRESENTING STEVE RISER)

The applicant had requested a variance to the Zoning Ordinance to allow a proposed parking area to encroach into the 25 foot front setback by a maximum of 5 feet in the RS-2, Single Family Residential Zoning District.

Mr. Gary Warner (Landscape Architect, City Park Design Consultant) was in favor of the staff report. Mr. Warner stated that the park would be large enough for picnic pavilions, a community center, and special events.

Mr. Loring stated that the parallel parking issue along Barnes Road, NW had been resolved.

There were five phone calls inquiring and one letter against the request.

Motion by Mr. De Vivo, seconded by Mr. Illich to grant V-3-2009 a variance to the Zoning Ordinance to allow a proposed parking area to encroach into the 25 foot front setback by a maximum of 5 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; Mr. Illich, aye; Mr. White, aye; Mr. Williams, aye; Mrs. King-Smith, aye.

ADJOURNMENT:

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

Bob Williams, CHAIRPERSON

Attest:

Glenda Hege, SECRETARY