

**CITY OF PALM BAY, FLORIDA**

**BOARD OF ADJUSTMENT  
REGULAR MEETING NO. 2009-9**

Held on Monday, September 14, 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:**

<b>CHAIRPERSON:</b>	Bob Williams	Present
<b>VICE CHAIRPERSON:</b>	Frank Illich	Present
<b>MEMBER:</b>	Richard Charshafian	Present
<b>MEMBER:</b>	John De Vivo	Present
<b>MEMBER:</b>	Ann King-Smith	Present
<b>MEMBER:</b>	Rodney White	Present
<b>MEMBER:</b>	Lawrence Repking	Absent

**CITY STAFF:** Present were Robert Loring, Planner; Elizabeth Counsman, Deputy City Attorney I, Glenda Hege, Land Development Recording Secretary.

**ADOPTION OF MINUTES:**

1. Regular Meeting No. 2009-8, August 3, 2009. Motion by Mr. De Vivo, seconded by Mr. Illich to approve the minutes as presented. The motion carried with members voting as follows: Mr. Charshafian, aye; Mr. De Vivo, aye; Mr. Illich, aye; Mrs. King-Smith, aye; Mr. White, 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-13-2009 – JANINE BLACK

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 25 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. DeVivo asked staff if the fence would be going back in the same place and Mr. Loring answered yes. Mr. Loring stated that the original permit to have the fence put in had been recovered.

Ms. Janine Black (applicant) agreed with the staff report. The Board asked what had happened to the previous fence and Ms. Black replied that it had been destroyed by the hurricane. The Board wanted to know what type of fence had been there previously and Ms. Black stated wood stockade.

There were no comments from the audience, and one (1) telephone message against the request was in the file.

Motion by Mr. De Vivo, seconded by Mr. White to grant Case V-13-2009, a variance to the Zoning Ordinance to allow an existing fence to encroach the 25 foot side corner setback by a maximum of 25 feet in the RS-2, Single Family Residential Zoning District with the condition that if the structure was ever removed or destroyed the variance would cease. The motion carried with members voting as follows: Mr. Charshafian, aye; Mr. De Vivo, aye; Mr. Illich, aye; Mrs. King-Smith, aye; Mr. White, aye; Mr. Williams, aye.

2. V-12-2009 – MICHAEL CULLEN

The applicant had requested a variance to the Zoning Ordinance to allow a proposed increase of the maximum number of occupants from 6 persons to 8 persons in an existing assisted living facility 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. Michael Cullen was not present.

Ms. Counsman explained that the State Statutes stated that the Board's responsibility would be the siting and not the number of persons that would occupy the home.

The Board discussed the case and had asked the applicant at the August 3, 2009 meeting to bring in a letter from the Fire Marshal stating the facility could accept more than 6 persons and a letter of acceptance from the State AHCA stating that AHCA would agree to a community residential home having more than 6 persons in the home provided that the local municipality would agree.

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

Motion by Mr. De Vivo, seconded by Mr. White to deny Case V-12-2009 a variance to the Zoning Ordinance to allow a proposed increase of the maximum number of occupants from 6 persons to 8 persons in an existing assisted living facility 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; Mrs. King-Smith, aye; Mr. White, aye; Mr. Williams, aye.

**ADJOURNMENT:**

The meeting adjourned at approximately 7:15 p.m.

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Bob Williams, CHAIRPERSON

Attest:

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Glenda Hege, SECRETARY