BOARD OF ADJUSTMENT MINUTES

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, September 26, 2018, in the Commission Chambers, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, with Chairman George Bovell presiding, to consider the following requests:

Board members present were: George Bovell, Chairman, District 4; Ronald Erickson, District 1; Robert Dale Rhodes, District 3; Dale Young, District 5.

Staff members present: Jad Brewer, Assistant County Attorney; Paul Body, Planner I; Erin Sterk, Planning and Zoning Manager; and Hazel Hernandez, Office Assistant II.

The Chairman, George Bovell, called the meeting to order at 1:30 p.m.

Paul Body explained the function of the Board of Adjustment; Ronald Erickson explained the definition of a hardship, and George Bovell explained the procedures of the Board of Adjustment.

Any documents, letters, or photos submitted to the Board of Adjustment before or during the meeting is part of the public record and can be found in the original file located in the Planning and Development Department.

AUGUST 15, 2018 MINUTES FOR APPROVAL

Motion by Dale Rhodes, seconded by Ronald Erickson, to approve the August 15, 2018 minutes. The motion passed unanimously.

1. (18PZ00092) DISTRICT 3 – KLAUS WITTEMANN AND CHERRY MCPHERSON (Clayton A. Bennett) requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1338(4), to permit a variance of 0.05 acres from the 0.50 acre minimum lot size required in a Suburban Residential (SR) zoning classification. The property is 0.45 acres, located on the west side of Highway A1A, approximately 1,330 feet north of River Oaks Road (8930 Highway A1A, Melbourne Beach)

Board of Adjustment Action: Rhodes/Young- Approved as depicted on the survey provided by William Mott Land Surveying, Inc. dated 02-26-2015, and limited to one single-family residence and accessory buildings or uses as permitted in SR (Suburban Residential) zoning. The vote was unanimous.

Clayton A. Bennett, with Bennett Engineering and Consulting, 4940 Ranchland Road, Melbourne, stated they are requesting a variance for 0.05 acres to the required half-acre lot size requirement for the subject property located at 8930 Highway A1A. The property is located on A1A beach side, a mile or so north of Sebastian Inlet. In the presentation, he stated the property was the yellow with the arrow pointed at it with the SR on it, and adjoining to the south, and west was government-owned lands. According to the Property Appraiser’s website the government-owned land is about 14 ½ acres. To the north there is zoning of BU-1-A, and across A1A and slightly to the north there is RU-2-4, there is a RR-1 south of the government-owned land as well as BU-1-A. He initially got involved in this project back in 2013 when they prepared a feasibility study for the owner, Mr. Wittemann, and at that time part of the feasibility study was to get a survey of the property to understand what was being purchased. At that time AAL Land Surveying Services was retained to prepare the survey. They generated a survey, and documented the area to be 0.59 acres, utilizing on that survey they submitted to Brevard County they obtained a determination letter, and that letter would be used on September 2013. In the presentation he read, “SR zoning requires a minimum area of not less than one-half acre, a minimum
lot width of 100 feet and a minimum lot depth of 150 feet. The survey done by AAL Land Surveying Services, Inc. Job # 30574 that is dated 08-28-13 appeared to meet the minimum lot size requirements for the SR zoning. As the parcel appears to be established in the Deed Book 271, page 342, pursuant to Section 62-1188, nonconforming lots of record, the parcel would be nonconforming to the County Comprehensive Plan of Residential 1. A single-family residence is a permitted use in the SR zoning. The parcel reference above appears to meet the minimum lot size to construct a single-family residence”, so at that time when they obtained the letter the property was a buildable lot of record. In the presentation he wanted to draw attention to the first deed for the property that the Property Appraiser had in 1962, he stated they would come back to that later in the presentation. In 2015 another surveyor went out to survey the property and Mott’s Surveying was retained by someone interested in purchasing the property at that time, so they generated a survey which was also provided within the application. The Mott survey came out with plus or minus, it was 0.45 acres, so you can say that was a large discrepancy between the AAL survey and the Mott survey. What happened is that on the legal description of parcel, normally you would start out with a call to a known point, such as section, corner, and then you begin, so that you have a defined point. When the parcel was created back in the 1962 timeframe, he believed an attorney had written it versus a surveyor, and what they did was they had a state of beginning point that says, beginning at the point of the Atlantic Ocean; he asked what point would that be, would that be the high water of the ocean, or was it the top of the dune. As a result, what it has done was create that discrepancy, so they have the two survey lines, there is one pointing towards the blue arrow, that is the AAL line, and then you have the red line which is the Mott line, so you have this land in-between which then would be disputed lands between the two surveys. Once they received the discrepancy between the two surveys, they decided to obtain a 3rd surveyor to see what he would say to break the tie. They went to retain Kane Surveying, so the third surveyor came in surveying, and as he followed up with the status he received this response from them, “On June 28th, I informed the title company that I would not be completing this survey. Below is the copy of the email I sent to Liz at Alliance Title: I’ve been through this survey every which way and due to the nature of the legal description I do not feel that I would be remiss in my duties by issuing a signed and sealed boundary survey for this parcel. The legal calls a line to run west from the Atlantic Ocean for a distance of 600’. If I run the line based on the current mean high water line I end up 220’ East of the line depicted on the AAL survey. My best bet would be to try and locate the Atlantic Ocean by aerial photos at the time the legal description was written and run the line west from there. I would estimate that at best I could get 20′-30′ accuracy by this method. I’m not comfortable signing a survey that another surveyor would have an almost impossible task of repeating my results. Assuming you are unable to find any other surveyor to issue a survey, my suggestion would be to acquire a quit claim deed from the west/south adjoining with a traceable metes and bounds description.” It is not only that AAL initially generated this survey, Mott came in with a different one, and then the third surveyor stated they did not want to get involved, he asked why would he sign off on something that another surveyor would not be able to reproduce, because of this initial call on where the parcel begins.

Dale Young asked what the 600’ was, if it was the high water mark. Mr. Bennett stated it didn’t say, it says, ‘beginning at a point on the Atlantic Ocean, 300 feet due north of the north boundary’. The title company went back to see where the parcel was created, and based on Alliance Title, and their title search they were consistent with what the Property Appraiser indicated which was in the 1962 date. That generated the hardship questions, the first one: that special conditions exist which are not applicable to other lands, structures, or buildings in the zoning classification, he stated this one does have uniqueness, the legal description of the parcel is subject to ambiguity due to the description
beginning at a point on the Atlantic Ocean. The said ambiguity has led different surveyors to determine different parcel boundary lines, and other surveyors to decline surveying the parcel. The subject parcel appears to have been created in 1962 and has been in existence for approximately 56 years, it wasn’t a recently created lot; it has been there in the Property Appraiser’s records, and considered a buildable lot. Second, that the special conditions and circumstances do not result from the actions of the applicant, he responded Mr. Wittemann purchased the property in 2013 based on the AAL survey indicating that the parcel was 0.59 acres in size which exceeds the SR zoning classification requirement of 0.5 acres. A Brevard County Zoning Determination Letter was issued in 2013 indicating that the subject parcel was buildable based on the AAL survey which Mr. Wittemann relied on to purchase the parcel. The subject parcel was created in or around 1962 which was over 50 years prior to Mr. Wittemann purchasing the parcel. Third, that granting the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this chapter to other lands, buildings or structures in the identical zoning classification, he responded that granting the variance would permit reasonable use of the parcel by allowing one single-family residence to be constructed. All proposed construction on the parcel is to comply with the County zoning regulations, including but not limited to: building height, setback, and etc. Fourth, that literal enforcement of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the identical zoning classification under the provisions of this chapter and will continue unnecessary and undue hardship on the applicant, he responded that literal enforcement of the provision of this chapter would make the parcel unbuildable, and therefore deny the applicant rights commonly enjoyed by other properties in the identical zoning classification, and literal enforcement could possibly result in a Bert Harris Act Claim that the property would not be able to be used for the use. Five, that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure, he responded that the variance request of 0.05 is the minimum variance required based on the Mott Survey in order to meet the lot area requirements of the SR zoning regulations. The variance will allow one single-family residence to be constructed on the parcel, this is not asking for a reduction of lot size to split the lot in any way. It is simply building a single-family on the subject line. Sixth, that the granting of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare, he responded the granting of the variance will be in harmony with the general intent, and purpose of this chapter by allowing the construction of one single-family residence on the subject parcel, that is what you generally have down there, is one residence per lot. The Board of County Commissioners determined that the SR zoning classification is in harmony with the surrounding area when the Planning and Zoning Board recommended, and the County Commissioners approved the SR Administrative Rezoning, so this property was administratively rezoned. At that time, the Board of County Commissioners made the determination that the SR zoning is the right designation for that parcel. The disputed lands between the AAL and the Mott surveys will likely remain undeveloped as the adjoining property is government owned lands. All other land development regulations regarding building setback, building height, driveway connection to SR A1A, land clearing, landscaping, and etc. will be adhered to. The parcel abuts BU-1-A zoning to the north and RU-2-4 zoning across SR A1A to the north, on slide 22 of the presentation the green is the subject parcel, and you see it abuts the property to the north that is zoned BU-1-A which has a minimum lot size of 7,500 square feet, or approximately .17 acres, same for the RU-2-4 that is across A1A, and to the north RR-1 is one unit to the acre, and the GU has 5 acres to the unit, but this does abut to either government-owned lands, which there would not be building (inaudible) adjacent to the 1-A which has a some 500 square-foot minimum lot size, so that is not out of line there with the half-acre of subject property being 0.45
requested in the 0.05 acre variance. There has been written objections consisting of several letters and he has grouped them based on the responses. Precedent objections stated granting the variance will create a precedent for future lot size variances. He responded each variance must stand on its own merits. Precedents do not apply to variance requests, it is the hardship questions, so just because this variance is granted does not mean there will be any precedents, because the other applicants are going to have to fulfill the hardship questions. In order for a future applicant to claim a precedent of this variance, the future applicant would have to meet the following thresholds: the applicant must not self-create the need for the variance, purchase the parcel some 50 years after the parcel was originally created, have ambiguous legal description defining the boundary of the parcel, have a certified survey of the property showing compliance with the zoning regulation prior to purchasing the parcel showing evidence it was surveyed, and have met the legal description at one time, and have a zoning determination letter indicating that the parcel is buildable based on the certified survey. Another objection consisted of substandard lot size they stated the parcel did not meet the minimum ½ acre lot size that is required in the SR zoning classification, he responded the lot size is why they are before the Board today to obtain a variance. The parcel was created some 56 years ago. The county recognized the parcel, and administratively rezoned the parcel to SR. A single-family residence built on the parcel will appear to be on a much larger parcel due to the adjoining undeveloped government-owned lands. The residence will appear to be on a 15 acre parcel. Objections consisting on the applicant splitting the lot stated that the property owners want the variance, so they can sell the parcel to build two homes on a half-acre. He responded the variance of 0.05 acres would allow the subject parcel as surveyed by Mott to comply with the 0.5 acre minimum lot area requirement for the SR single-family zoning classification; there is no intention in splitting the parcel. The variance would not permit two homes to be built on the subject parcel. There were objections about the owners not wanting to live here and becoming part of the community, he responded living in Melbourne Beach is not a criteria for granting a variance. The owners originally purchased the parcel to build their personal residence on. However, life circumstances have changed, and they have decided to sell the parcel instead. Although, they no longer intend to build on the lot, parties interested in purchasing the parcel need to know that a single-family residence can be built on the parcel.

He summarized that with the presentation, and the documents submitted, the parcel was created some 56 years ago. Mr. Wittemann performed reasonable due diligence prior to purchasing the parcel with the AAL surveying, and the Brevard County Zoning Determination. The ambiguity of the legal description has resulted in different interpretations of the parcel boundary. One of the questions anticipated would be why not continue with the AAL surveying, and that was one option they considered, but they took into position that they do not want to now that Mott has monumented the other corners, and they are going to refuse to issue a new survey with the previous boundary they indicated. The applicant has demonstrated the following: the parcel is unique, and different than other lands in the zoning classification, the special conditions were not the result of the applicant, granting the variance would not confer special privileges to the applicant it would just allow reasonable use to build on the lot, literal enforcement of the provision would deprive the applicant of reasonable use of the property, it would prohibit the construction of a single-family home based on the Mott survey, the variance requested is the minimum required, the granting of the variance will be in harmony with the general intent and purpose of this chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare it would simply allow reasonable use of the property to build a single-family home on a parcel. He believes what has been demonstrated is that reasonable due diligence has been done and there has been this ambiguity on the legal description,
and as a result, a variance of 0.05 acres is required to be in conformity. Being a Professional Engineer in the State of Florida for 20 years, as he looked at the criteria he believes it was one of the strongest cases of a variance he has seen that sets the meets thresholds.

Mr. Bovell stated he has given the Board three numbers, 0.59, 0.53, and .045, and he was asking the Board to pick 0.45. He believes Mr. Bennett would do himself justice if he were to clear up the ambiguity, and then bring the Board a survey that clarifies 0.45. The Board then could give them the 0.05 variance, because what they build on the lot the County says he can build whatever they decide to build, they were assuming it was at least half an acre, and the procedures the County had to go through to come up with 0.53 the Board would have to assume that was credible. He did not know if there was a need to be asking for a variance because there are conflicting surveys and they are asking the Board to pick one. Mr. Bennett stated he understood the situation the Board was in, he wanted to explain, and staff could confirm or clarify. Number 1, when they (inaudible) for a site plan, whether its commercial or residential property the acreage shown on the Property Appraiser’s website makes no difference, they want a sealed copy of a survey showing that the owner did not buy it thinking this was substandard, and knowingly purchased the property substandard knowing the documentation on County website would reflect that this appeared to be more than half an acre. As far as the AAL survey, the owner went back to them stating that there was a client wanting to purchase the property, and they went to AAL to get the survey recertified to the potential buyer, and AAL has declined to do that. They will not reissue the survey, and surveyors, when they prepare a survey, they certify it, and make it a very limited number, such as the person buying, the title company, or the bank, and if someone else buys the property it doesn’t mean anything to them anymore, so Mr. Wittemann has the survey on the property that shows the 0.59 acres but AAL has refused to issue a new one to a new buyer. Mott had done the survey back in 2015, and they asked them if they would recertify it which they said yes, and that they would stand by their 0.45 acres, so then they decided to go to Kane, another reputable surveying company, but they said they did not want to get involved, because of the dispute, and for a surveyor to come in, and say that for a couple of hundred dollars they’ll do the boundary survey, they would be putting themselves in a liability issue of hundreds of thousands of dollars. They were not willing to take that risk. The only surveyor that is willing to do it was Mott, because they have taken the most conservative position of how to document that line, so at this point the only surveyor they could get a new survey for this parcel for the buyer was Mott which was the 0.45 acres.

Dale Rhodes asked if the variance will transfer to the new owner. Paul Body responded the variance is good for the life of the property. Mr. Rhodes asked what the Bert Harris Act was. Jad Brewer responded the Bert Harris Act was a procedure in which an agreed party could apply to a court; in essence, first to the municipalities by saying, “you’ve taken my land now pay me”, taking it regulatory by zoning action. The municipality, the government, doesn’t agree that it goes to a court, so essentially saying, “you’ve taken my house or my property via eminent domain via regulatory not the normal sense of eminent domain case”. It results in either a finding of no, or a finding that the government owes the property owner for the land. Mr. Rhodes stated several of his questions have been answered in Mr. Bennett’s process. He asked if there had been a thought of doing a survey of the State-owned property to determine where their boundary was in relationship to the back boundary of this property. Mr. Bennett responded he believes the State had already done that boundary survey. Mr. Bennett stated he believed that parcel is a less and except, and when it was less and excepted they are back to basically figuring out what the parcel is. Mr. Rhodes stated the line that he was looking at which was
included in the AAL survey, but was not in the Mott, he asked when that was done by the State. Mr. Bennett replied he did not know. Mr. Rhodes asked if that was done by the State to determine where their property line was. Mr. Bennett stated correct. Mr. Rhodes asked if they had a more firm boundary than he did. Mr. Bennett replied he thought it would be the same, (inaudible). What he understood when he spoke to the surveyors is that they did a boundary, but they did not monument the corners, and Mott did quite an explanation on their survey on why they felt they were right. They felt AAL was close or had some information, and they included that line. Mr. Rhodes stated he sells a lot of vacant land as he deals with it the most as a realtor, and he has had to do this numerous of times when there is a dispute on the boundary. They survey the property around it which would give them the hard corners to deal with. Mott appears to be using those hard corners. When this came up, the Mott survey was sent over to AAL, and asked what was going on, and now that is why he is saying that AAL is refusing to issue a new survey now that Mott has monumented those corners, so at this point, in essence, they would have two surveyors saying one line, and the other surveyor saying the other. Mr. Rhodes asked if he was a developer. Mr. Bennett replied he was a Civil Engineer. Mr. Rhodes asked if he had anything to do with what the buyers want to build on this property. Mr. Bennett replied the potential buyers have retained him to do a feasibility study for this parcel. Mr. Rhodes stated there are several things he noticed, and he will go through the process, which was before he received all the letters. The first thing he noticed was that this is a much smaller parcel than many of the properties that are around the parcel. He drove to the property, and took a look at the homes around it. He took a look at the property that was there as well as he could as he did not have permission to walk onto the property, but he did observe it as well as he could. The second thing he noticed is that the Property Appraiser shows 0.53, and being a realtor he knows the Property Appraiser is not always right, they go by the information that is presented to them that they recorded, but it is not necessarily a hard line. The thing that strikes him the most is that AAL said it is this size which is the reason the gentleman bought the property to be able to build on it, because AAL certified that, thus bringing them to the problem they now have. It is unfortunate they are not willing to back up what they said, because that would have been his first suggestion to have them sign off on what they said, because then they would not be asking for the variance. According to the zoning classification of this property, if it is half an acre you can definitely build on it, and no matter how much people want to complain, the zoning allows for that. Some of the things that were presented, and he is not giving any indication on how he is voting as at the moment he did not know how he would be voting.

Some of the things he would like to address is that saying, “this parcel is not as big as mine” is not applicable, but what does apply, in his opinion, is what will be eventually constructed on that property. Normally, when they are giving a variance for a parcel he has something that says what is going to be built there, so it allows him to take a look at that and go, “okay, it would be conforming to everything else in the area as far as the structure that is built there”. He has no idea what is being built there, he does not know if there was a minimum square footage that is required. Mr. Bennett replied there was a minimum square footage. Mr. Rhodes asked if it would be significantly smaller, he asked if someone could go in and place a tiny home on that property, then that would take it completely out of continuity with everything else that is there. Mr. Body stated the SR zoning requires 1,300 square-foot minimum living area, the zonings across the street are RR-1 they (inaudible) 1,200 square feet of living area, they both have the same setbacks, 25’, 20’ off the rear, and 10’ off the sides. Mr. Rhodes stated the next thing is that there was a business just to the north of the property, and the property to the south of is also zoned business, so there could be other things built along that area that are not necessarily conforming to everything that is there. He thought he did a great job with a presentation, because a lot
of the questions he had in mind were answered with the understanding that this has a requirement of a home bigger than even the homes across the road. Mr. Bennett stated talking about the setback, and the dispute between AAL and Mott, in actuality for the property to the north, the adjoining property owner, it was a better condition for them to have the Mott survey, because now the setback is going to be off of the Mott line versus the AAL line which would put them further away from their house, which is down closer to the river, and again, that disputed land is government-owned land, so if people object to this variance, just imagine the people that would object if they ever asked to rezone the government-owned lands to some residential classification. Everybody in the south beaches would be coming out; not that it would happen, but it is reasonable to assume that it will remain vacant. Mr. Rhodes believes with the survey being done, and saying this was where the boundary of the State-owned land was he had no doubt that would be left as a disputed land he did not see it as disputed at this point with the other surveys saying this is where the property line was, so the question before them becomes, if it was reasonable for them to say he bought it thinking, and given the information he had, that it was large enough to build a home on, and now that he is wanting to sell it for somebody else to build a home on, now we have an issue. He asked if it is reasonable for them to say that this was something that they could agree to allow. That was the question that was before them, and if it met the criteria that was set forth for this, he certainly thought several of the criteria had been met.

Dale Young asked if GBI was Mr. Bennett. Mr. Rhodes clarified it was GCY. Mr. Bennett replied no, he believes that was a part of why AAL monumented. His understanding, talking to Andrew Powshok, President of AAL, the way he figured it out was he went down south and found another parcel that had a similar (inaudible) and extended that line north, so he came out where that blue arrow is pointing, and there were other found monuments very close to what he had, so he felt comfortable with where he had monumented it. What happened is after Mott went out and set monuments for him to go back to his he sees as a very high liability issue for him. Mr. Young stated this was subdivided in 1962, and asked if it met code at that time. Mr. Bennett replied he believes it had a different zoning at that time, because it was administratively rezoned. Mr. Body stated when it was subdivided it was GU, and General Use required an acre of land, so it was inadequate to the acre land. Mr. Young asked when the half-acre came in. Mr. Body replied it had been half an acre since 1962, and it was administratively rezoned to be compatible with the Future Land Use. The Future Land Use came into effect in 1988, so that was when it was rezoned to SR. Erin Sterk stated she wanted to add some information about the Comp Plan history, in 1988, the Comp Plan came about, and when that came about the south beaches area, as well as this parcel, had a Future Land Use designation of Urban Fringe which was a designation that did not exist any longer, but it will allow for 4 units to the acre, and then in 1993 after all the public hearing processes, the south beaches were changed to Residential 1. As the result of it changing to Residential 1 that is when they proceeded with several years of administratively zoning on behalf of property owners who lived in the position to remain developable inconsistent with the Comp Plan, so there was a little bit of a missing piece about why the administrative rezoning occurred, and it was a response to the Comp Plan density reducing for 4 units to the acre. Mr. Rhodes asked if they were correct in that only one home could be built on this property. Mr. Body stated yes. Mr. Young stated that the government lands surrounding had to be blocked in like the 70’s that was (inaudible) administrative assistant who owned that who sold it to the government, so that is a very late event, and this survey that they did would have had to be done in the 70’s, but the property he was talking about existed prior to that. Mr. Bennett stated correct, it was created in 1962. Mr. Young stated the owners thought they were relying on legitimate information when they purchased it. Mr. Bennett stated that was correct. AAL had been around for 20 years or more, and they are reputable, they have been
around, they are probably one of the largest surveying firms here in the County, they do a lot of good work, and again he wouldn’t say their survey was wrong, because they did find the pins out there, but it gets into being more of a liability issue. In a court case you are going to get into litigation, figuring where that line is, and do they really want to do that for a small fee of a few hundred dollars to do the boundary survey. Mr. Young asked who in the end determined which of the surveys was correct. Mr. Bennett replied, that was true, but at this point because Mott has monumented those lines any surveyor going west of what they monumented is now putting themselves in potential liability issues, and did they want to really have that liability for a small fee. He thought that was why they received the response from Kane saying they did not want to deal with this. Mr. Young stated they did both surveys for this property. Mr. Bennett replied AAL did it for them and someone else hired Mott, but when the question came up with it being less than (inaudible) acres –he knew it was done in 2015 for another party, and in trying to get a survey for the parcel they would be the only ones to certify the survey, so they called them to ask if they could recertify the survey, and they said yes they were going to stick with the 0.45 acres, AAL said no, and Kane said no. Ronald Erickson stated that he mentioned the original surveyor did not want to get involved. Mr. Bennett stated the original surveyor when they asked them to certify this to the potential buyer because they would need a survey the answer was no, they would not re-issue the survey. Mr. Erickson stated he grew up surveying, he was under the impression if they made a mistake that egregious, or not that factual, or if it was factual at the time (inaudible) to stand behind that, because there is a title company, and everything is supposed to be legit, so how did it get this far. He asked if they had a case to go against when they bought this property in 2013, and go back to the surveyor and title company, and say they were given false information. Mr. Bennett replied he did not know that the title company was going to. The title company was going to say they are certifying a legal description, so he thought the title company was going to say according to the legal description he was good, they wouldn’t care which one they used, then it gets into the AAL. The only way that was going to be resolved was an option which would be going back to AAL, let them file with their insurance, and have them work something out, or maybe there was a lawsuit with the State of Florida over where the boundary lines are. Again, all those things are possibilities, but the owner is willing to accept the smaller boundary line if they could just get a variance to build a single-family home on it. That was how they got to where they were at, he asked if they really wanted to have to go to court, or just seek a variance. Mr. Bovell stated that he assumed that if the variance was granted today they would be able to build a single-family home in 0.45 of an acre, and if they sell the land, and whoever buys the land decides to build a home and get a survey, what if that survey comes up bad, who could answer to that. Mr. Bennett replied right now they have a surveyor that is willing to work on this property, and it has monumented corners, and Mott will continue through the process, they are comfortable where their line is, they did not see it as a liability issue because they match the line with the State, he didn’t think there would be issues moving forward based on that. Mr. Bovell stated a couple things he pointed out was that if a single-family home was built on this lot based on what the regulations would allow –he asked if it was not abutting someone else’s residence. Mr. Bennett replied the government lands are to the south or to the west, to the north is zoned BU-1-A. Mr. Rhodes stated the BU-1-A is not the property next door to them. The property right next to them is 14.2 which is a residential parcel. Mr. Bennett stated it had 2 separate zonings, so they were abutting BU-1-A zoning not residential zoning. Mr. Bovell stated whatever is placed there would not seem so bad, because the government land will make it appear as though it is on a bigger parcel, but he was thinking how it could affect everyone else around it, and he was leaning towards it not affecting much.
Public Comment:

Joni Armstrong Coffey, 8905 South Highway A1A, Melbourne Beach, stated she was present in behalf of her husband and herself. They bought this home back in 2003 as a sanctuary, (inaudible) kids that worked really hard, and still work hard in Miami, they drove out this morning, but they come as often as they can, because they believe it is one of the most beautiful places in the United States, and it is a sanctuary for them and their extended family. (Letter submitted prior to meeting read into the record) She stated that they were sensitive toward the survey problem. She wanted to put a few things on the record, as well as a proposal that she believed her neighbors would be in support. Just a background on their property, which is the RU-2-4, although it has that zoning, the additional unit is a care takers apartment, and after the hurricane they joined into the main house, so it is a 6,000 square-foot-plus house. She knew the Board was familiar with this area, but what they didn’t know was a matter of record which was how the lot came to being. Board member Young has been around the County for quite a while, and has some knowledge of this, and it is helpful to hear for the first time today a professional staff’s indication of how the Comp Plan changed, but what they really did not know was what happened in 1962, and why that is relevant is because as unfortunate as the surveying situation is, the real issue with it is taking, or Bert Harris claim, which is why they are asking for the variance today, and whether the substandard lot from the beginning was self-induced, in other words was the original (inaudible) somehow ended up selling more than he needed to sell to the government, and leaving himself the substandard lot, so that is something that needs investigation. She does not think they have the facts on the record right now that would reflect the actual standard for a taking, or even a Bert Harris claim, and for that reason alone they would be asking the Board for a deferral just so they can develop that additional information, but the Board will be able to hear the neighbor’s concerns as they come up, and they are concerned about compatibility, and a 1 acre lot, although she was surprised to hear 1,200 square feet as the minimum house size across the street, obviously the houses are 4 times that size –her house is very old and needs repair all the time, but they are much larger houses, and much larger lots than this one, so what they are concerned about is compatibility. What they would like to propose to the applicant is a deferral to give them an opportunity to talk about the kinds of things they would like to see, and they have named some of them; one would be screening from A1A, she understood now for the first time that Maltese was private, but maybe they can negotiate. Mr. Bovell stated the applicant was not going to build, the applicant was going to sell, so all the things she was concerned about would be with whoever purchases the property. Ms. Coffey stated she would suggest that if the Board imposes conditions on a variance then those conditions also run with the land, so they would not necessarily have to see a completed site plan, but they could agree to conditions such as the landscaping, whether it enters into A1A or not, whether they can talk the Maltese owner into allowing access from their side, maybe a height restriction, and then come back in agreement with the applicant about those kinds of conditions, and they are suggesting these conditions in good faith. They understood they have a single-family zoning, and they are not trying to stop that. The substandard lot perhaps, and they didn’t look at the history, but they would like to work with the applicant to see if they could have agreeable conditions. The zoning does allow some uses besides single-family houses in the SR category, so for example Parks and Recreation facilities, private golf courses, foster homes, sewer stations, power substations, resort dwellings, those are all permitted uses, and there are other conditional uses that they can come back and ask for once they have the substandard lot, so what they would like is a condition for a single-family house only. That basically has a box of limitations such as the ones they have talked about. They are reasonable folks, she couldn’t guarantee they could come to an
agreement, but if they had until the next hearing they might have the opportunity to solve the problem, and she didn’t know if they could solve the survey problem, but they could solve the opposition problem.

Mr. Bovell asked if their limits were to decide whether they could build on 0.45 single-family residence, but in terms of conditions those conditions are limited to what it is zoned for, and they were not there to make the determinations. Jad Brewer stated the Board had the application before it and the rule on the application is if the applicant wants to commit themselves to some conditions, he did not see any difficulty, but this Board was deciding on the question presented before it. Ms. Coffey suggested that Section 62.255 of the Code; in granting any variance the Board of Adjustment may prescribe, it does not say the applicant has to agree, the Board of Adjustment may prescribe appropriate conditions in safeguards in conformity with this Chapter. The Board of Adjustment may also, as a condition of approval, require compliance with any site plan or other specifications submitted by the applicant in granting the variance. Violation of the conditions would then provide a reason for revoking the variance if a successor in title violated those conditions. It provides protection, she would suggest, as they have not had the opportunity to talk to the applicant, she guessed their proposal was not unreasonable, if they could come to an agreement she did not think they have to kill the application. They were just deeply concerned about a 1,400 square-foot house, highly visible from the road, there were problems already with undeveloped business zoning there, but most importantly they would like to see if there was a chance to work something out. Mr. Rhodes stated according to what Mr. Body had referred to earlier, if someone bought one of those vacant lots along the oceanfront, and it was 1 acre, they would not even have to go before the Board, and they could build a 1,200 square-foot house, and there would be nothing that anybody could say about that, so the house size is not what is at issue here, it is if they are willing to allow him to build a single-family residence on 0.45 acres that he thought was considerably bigger than that, and is showing that most people thought was considered bigger than that, including the previous surveyor. That is what they were dealing with, for the Board to put restrictions on him would be to put restrictions on him that are not consistent with the other properties that are in the same zoning, and he would not feel comfortable. That being said, if the applicant decided he wanted to withdraw this, or ask the Board to have the variance tabled to the next meeting, so they could have a meeting with those folks then that would be up to him, and he would not be opposed to that. He has to rule on what is being presented, and he does not have the leeway to say, unless they come to a tie vote, then the variance would be tabled until the next meeting. Ms. Coffey stated she has not had the opportunity to speak with the applicant’s representative, but she would assure them they were a long way from a taking. Mr. Bovell stated he will have a chance to respond. Ms. Coffey stated she didn’t know he could because they do not have the evidence on the record today that establishes a true legal zoning hardship. Legal zoning hardships are non-self-imposed. If she bought a substandard parcel of land, then she had her own property, but said she needed to have a variance because it was substandard, they all knew that would not meet the taking standard, it would meet the hardship standard, and she would suggest to the Board that they did not have facts in the record today going back to 1962 that would support that claim. Board member Young might have some recollection, but what they do not have is record evidence in front of the Board today. She would also respectfully suggest that it is not the 1,200 square-foot possibility across the street, it was about community, the houses are set very far back, and they are dealing not only as the Board of Adjustment not just with what could have been built if the houses across the street were undeveloped, but instead they are dealing with what was there today, and what was there today was set back 70 feet or more with very large houses. She believes
the conditions were entirely appropriate to ensure that the development of this lot would be compatible with the existing development in the area. She asked if she could turn around and inquire to the applicant’s representative. Mr. Bovell stated no, she had to finish speaking to the Board, and then give others a chance to come up. Mr. Bennett would then have a chance to respond. Ms. Coffey stated she did not want to overly prolong this, she believes everyone in the room knew that this was an incompatible lot, the SR would be incompatible, and even less than that would be even more incompatible. They are sympathetic to the surveying situation, but they did not believe the evidence on the record today would sustain a finding of a legal zoning hardship, and they urge the Board consistent with the letter they wrote if they were to approve this today, they would hope they would not, they would hope they would give the opportunity to negotiate with the owner, and impose the conditions that they have requested.

Mark Shantzis, 8885 Highway A1A. Mr. Bovell asked if he had submitted a letter. Mr. Shantzis replied yes. (Letter submitted prior to meeting read into the record) He stated the mean high water line was the boundary of all properties along the ocean. In fact, there was a new law that just passed in the State of Florida that clarified when there was a question about it. They were familiar with the controversy over this recent law which talked about the mean high water line being the border. If measured from the mean high water line it is 0.45 acres. They are all on a moving Barrier Island, all of their properties are moving and changing sides all the time. They would know that if they did the research when they bought their properties. There was even a book about it called The Sand is Moving, there was not a book called Barrier Islands are moving, and when you buy property on a barrier island you are subject to being in no land eventually. There are places around the world where there is no land, where islands are being consumed by the ocean of which this island will eventually. When this person’s property changes in size it’s their fault as a real estate land speculator, that they bought a property that was so close to the amount of size that it should have been on a barrier island, (inaudible) and it could be becoming smaller. Their properties across the street have become smaller. Also the ambiguity, it is 0.45 acres, there are two surveys that say this, there was the Mott survey, and Mott has been around for a long time, has been there around 40 years, he did his survey, and all of it is about the size which is his survey and the State survey, and talking about the State survey, the State is currently owning 14 acres. The State could sell their property, they are well known for selling their property, so if the Board grants the variance someone can buy the land from the State, and come in, and say look the Board did this variance, so they would like to subdivide it into a bunch of 0.45 acre lots. They’ll have a subdivision across the street, and if that isn’t a precedent then he didn’t know what was. Mr. Bovell asked Mr. Body to address the subdivision concern. Mr. Body replied right now the Future Land Use is 1 unit per acre, if anybody came in and bought that property surrounding it from the State they would have to have a lot of 1 unit per acre, also it is a GU zoning, so if they tried to rezone it to something it would have to be compatible with the 1 unit per acre like the RR-1 zoning. Mr. Shantzis stated he would like to emphasis on the right now, everyone knew this could be changed when the Board members are no longer there, just like it was changed in 1962, 1988, 1998 and they will be changing it now, although the size of the property might be allowed at 1,200 square feet on that side of the road, but when they are spending 1 million dollars for a piece of land they aren’t going to be putting 1,200 square-foot house on it, but when $100,000 is spent for a piece of land they might. It should be emphasized that they are not as much concerned about the size of the house, as they are with how it looks in the neighborhood, so what they want to do here is make sure it is compatible and congruent with whatever else is around there. As they had said earlier which was to the point, granting the variance with all these variables floating around without seeing what the
development is going to look like could be injurious to the property values of everybody else in that area, he asked how they would like that to happen in their neighborhood. They could go and put an 800 square-foot house on that piece of property, but make sure no one sees it just like no one sees everything else around there. They live pretty much in a rainforest down there, and someone mentioned Commissioner Higgs way back when they downzoned that area significantly for obvious reasons to hold property values, it wasn’t working at 8, 12, 15 units per acre, and the only way it was going to work was if they went ahead and made it compatible for people to move in. Nobody wanted to move into a property, and put a house on it when they can put 15 apartments next door, so they made it that way. This lot is not compatible, and it never was, and as Ms. Coffey had said they didn’t know the circumstances of that, and until they know the circumstances of that they didn’t know how much someone may have run away with on the 14.1 acres that they paid to the State, and said let me have this little piece over here. A lot of this is talking about economics, and they have to go to the issue of (inaudible) people who are land speculators that buy land, sell land, flip land, and some people build houses there, but they are not talking to the people that are building the house there now, and they want to, in the worst case, put restrictions on. The best case would be for the Board to turn it down because it is just 0.45 acres, and it is measured from what is the legal line of measurements that are done throughout the entire State of Florida, the mean high water line. Some people also mentioned the issue with legality, this was a private legal case, this was someone who went out there, and put in a survey at one number, (inaudible). It is either a private legal case or it is a land speculator that was subject to a moving island. There are 3,000 of them down there that are subject to the moving island and they know it, and their property moves all the time. There are all kinds of laws and precedents about that, and that is what the Board needs to keep in mind that this is about factual information. This is not about how somebody feels. Somebody went ahead and speculated back before 1962, and speculated again by selling the land to the government, and cutting off a piece which was just too small when you have a moving ocean. Based on surveys down there, and somebody else came in and voided, and every time they did this they did not do their research on a now moving barrier island, and what happens to land. He stated it was just too much in the close to the one half acre, which in fact was an oversight mistake back in 1998 when they let it be there because there was no one to complain, because in 1998 there was 5 houses along that whole strip, and who knows what the notice was or even if there was notice. The reason that there is not people in this room right now by the way –talking about notice, the owner of the property, the person who makes the application is required to maintain proper notice (picture on cell phone shown to the Board) he stated it is a picture of the notice, which is why there was 6 people that sent the Board emails, and there was only 4 people in the room. Mr. Rhodes clarified there were more emails. Mr. Shantzis stated the notice was not even a notice. He has never seen a notice on a flexible piece of paper that is nailed to a stick, most of the time it is on a hard piece of wood that is covered and protected, so this notice was not something that anybody would even know. Half of the people he spoke to had no idea, and walked right by the property, so based on where it says in the Code that the maintenance of the sign should be the responsibility of the applicant. As far as he was concerned there was not a proper notice. He stated he wanted to address the 6 items the applicant has said they have complied with. Number one, if special conditions or circumstances exist which are not applicable to other lands, structures, or buildings in the applicable zoning application – he stated they knew there was no ambiguity there. They knew it was not compliant with a half-acre, and if the Board allows them to have less than half an acre there are going to be other people coming here that are in SR zoning, or saying they do not have the proper size and asking for variances. Number two, that the special conditions and circumstances do not result from the actions of the applicant –he stated it
may not result from this applicant, but somewhere along the line these applicants made mistakes. They broke it out, and the first place they made a mistake was when the survey was done they took a survey and they never got information saying that the survey was subject to a moving ocean. They all know that is part of the research that is required from the land speculator. Number 3, that the special conditions and circumstances do not result from the actions of the applicant – he stated clearly it does unless they will go and give everybody an SR less than half acre ability to build on their lot. Number 4, that literal enforcement of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the identical zoning classification under the provisions of this chapter and will constitute unnecessary and undue hardship on the applicant – he stated they say that the literal enforcement of the provisions of the Chapter would make the parcel unbuildable, and it won’t with restrictions, it would make it very buildable, and they want it to be buildable. They do not care if it is a buildable lot there, they just don’t want it to be sitting with a concrete wall (inaudible) 25 feet away from A1A with no tree line there, and many of the properties have done that along A1A. As you drive by and ask yourself how they got to clear cut every single oak on that property. That is just what they don’t want there. They want it to comply with everything that is in the area. Number 5, that the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure – he stated no it was not the minimum. The minimum is if the variance is granted then let there be restrictions. The County Attorney said that you can, and that it has happened before. The code allows for restrictions. They were just asking that they allow for it to be built on, do not defer, and if they do allow to build, to allow with certain restrictions. Those restrictions would protect the view of how that property would look in the entranceway. Number 6, that the granting of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare – he stated if the variance was granted, and they build the property which looks awful across the street or next to anybody, and it was sitting on A1A, and there was a visible concrete wall right on A1A 25 feet away it will be injurious to their property value. There is no question about it, and Mr. Rhodes nailed it in the beginning when he said this was clearly incompatible with the other size lots in that area. He was guessing he covered it all, there are a lot of violations on this property; there are more than they can all comprehend. There is no hardship on the property. It is something with a whole bunch of mistakes that were made back in 1962; it was mistakenly allowed in 1998, because it is not compatible with the area, and there was no one to complain in 1998, because there was only 3 people that lived in the area. They probably didn’t even know what was happening. He asked the Board to consider that in terms of what the decision is that there is a whole lot of reasons why this should not be done, and when you start flipping a coin to determine what happens with a neighborhood, (inaudible), if they don’t know, then don’t make the decision, and the question is did they really know here, was there enough information for them to know, he believed there wasn’t. They want to help them, they want to sit down with them. They want to work it out, if the Board defers it, they can probably work it out, if they don’t and allow this it will just continue.

Helen Stamatacos, 9010 South Highway A1A, she stated she was there on behalf of her husband and herself. (Letter submitted prior to meeting read into the record) She stated she was in agreement with what was discussed today as her husband is as well, and clearly this particular lot is incongruent with the neighborhood. When they purchased their property they actually purchased a 3 ½ acre lot, and they purchased the lot which was the lot on A1A for protection. They are clearly environmentalists, and they were there for the reasons that they already spoke of. She would think
that if they could have a discussion with the people, it is not as if they do not want development they just want it done correctly, and they have seen a beautiful haven turned already into things they did not want for the area.

(Letters submitted prior to meeting from, John Robson, James E. Jump, Charlie Magal, Robert Logsdon, and Natalie Hussein, read into the record)

Mr. Bovell stated Mr. Bennett has heard the request to meet with the other residences after this, and maybe come up with something that is reasonable with restrictions that he may think are fair, he asked if it was something that could be considered. Mr. Bennett replied he would like to respond to the objections, and cover that at the end. He understood the questions, and concerns that have been raised this afternoon. To some degree he has addressed many or most of the objections that they had before hand in providing a clear presentation of what the concerns and issues are regarding the site for this variance request. He believes he clearly demonstrated this particular variance request, and they have met those 6 hardship questions. The first one is that this is a very unique property, and he heard one of the objections being that, which is also covered in question number 3 in, if granting a variance would give special consideration to this particular lot, if they took a strict interpretation of what they are presenting the Board members wouldn’t have jobs anymore, because they couldn’t grant any variance or setback area, and clearly that is not the intent because the County Commission established this body to grant variances, and that each one of the variances needs to stand on its on merit, and they do not look at previous variances that have been approved. They simply have looked at the facts that have been presented. In his presentation he tried to stay very factual and informative, and with some of the responses they got into more of the touchy, feely objections, which he thought they should stick with those 6 questions, and the first one as it is very unique in the sense that a lot of due diligence had been put in up front before the property was purchased. The owner bought it relying on a survey. The applicant clearly did not create this from their own doing. Granting the variance would allow reasonable use of the property, and that is to construct a single-family home that is very consistent with other homes in that area, or uses in that area. The literal enforcement if the it was held at half an acre would be, in essence, (inaudible). They are asking for the minimum variance. He thought the owner has conceded to saying they would accept the 0.45 acres on the Mott survey, and to get a variance for the balance even though the AAL survey showed additional lands, and the granting of the variance would be in harmony with the surrounding properties. It is going to look like a house that is built on 15 acres. It would not look like it is crammed in there. The houses being built over there are reasonably sized, and it would be at, or exceed, the County standards. That is what they are asking for. They were not asking for a variance in any way in reduction in clearing, reduction of landscape requirements, any change to the building height, or the building setbacks. They want to build everything pursuant to the land development regulations. In fact, as he mentioned earlier, the change of the property boundary along the westerly side does afford the property owner to the north that the setbacks are going to be based off the Mott line versus the AAL line, so about 59 feet further landward. The applicant would agree, and he did not know if it was necessary, but to put in that they would only construct a single-family home on the lot. They would comply with all the land development regulations as well.

Mr. Rhodes asked if the proposed buyer was present. Mr. Bennett replied no. Mr. Rhodes asked if he knew what he was planning to build. Mr. Bennett replied a single-family home, as far as size he did not know the square footage. Mr. Rhodes asked if he had an estimate. Mr. Bennett replied no, but it
was a big lot (inaudible). Natural Resources management office has (inaudible) criteria for (inaudible) soils, and this would be limited to impervious coverage of 45% unless onsite retention were provided. There are limitations, the zoning setbacks, the landscaping, the land clearing. Mr. Rhodes asked if the 45% would include driveways, etc. Mr. Bennett replied yes, that would include house, pool, and anything impervious which is separate from lot coverage. Mr. Rhodes asked if he knew what that figure was. Mr. Bennett stated no, but if they look at it right now, and split it in half then that would be 50%, so you would be a little bit less than half. Maybe looking around 0.2-ish acres of impervious coverage, and again the code allows for additional pervious coverage if provided with on-site retention, but they are not looking for any other relief. Mr. Young stated he could see what looked like a new house two lots to the north. It looked like it was on the first half acre; he asked if he was familiar with that. Mr. Rhodes replied it was a business. Mr. Young stated there was also a business to the lot south. Whatever they build is a single-family residence according to code. Mr. Bennett stated according to code that is what it allows and permits. They cannot subdivide it, and if it makes everyone more comfortable they will consent to that. Mr. Young stated they also have to submit plans to be approved for a permit. Mr. Bennett stated correct, and staff will need to review that to confirm that it meets code. Mr. Young asked if the County was going to help do their designing. Mr. Bennett stated correct.

Motion by Dale Rhodes, seconded by Dale Young, to approve the variance contingent on it being a single-family home that can be built on the property.

Mr. Body stated that they may want to add a condition for the Mott survey, so as provided on the Mott survey. Ms. Sterk stated there are also accessory uses like an additional buildings out back within the zoning classification that are (inaudible) to the primary use being a single-family residence. She asked the Board if they were attempting to prohibit those types of accessory uses. Mr. Rhodes replied no. Mr. Bovell stated there was a motion to approve the variance based on the Mott survey, and limited to a single-family home subject to all the other restrictions and requirements for what the land is zoned for.

Mr. Rhodes stated he wanted to clarify the reason for his decision. He would have felt more comfortable seeing what was being built; however, he also has taken a look at what conditions have to be met; they certainly, in past requests that have come before them asking for a variance, and had not given them any indication as to what they were building, and they had a vast opportunity to build multiple things, and the Board had them withdraw or table until they brought them that. He did not believe that this fell within that situation primarily, because although he agrees nobody is going to buy a million dollar lot and build a 1,200 square foot house which they could, and nobody can say anything about it. If the original survey had been upheld the applicant would not be before the Board today. In his opinion, the owner of the property did not create the situation. He did his due diligence to make sure it was a buildable property prior to purchasing. The letter from the County showed the County agreed it was a buildable lot, and so he did all the things he was supposed to do to assure he could build on it. He did understand that the property is contingent at the moment and it is contingent upon this hearing, because the new buyer did not want to buy it, and not be able to build in the future, so he understood that, but it does not weigh into the decision that he had to make. Denying the variance would deny reasonable use of the property, and nothing could be built there, so it would deny them the reasonable use. He did not think this was precedent as it is a different zoning than the other properties, just as the BU was different than the other properties in the area. They can do
something different on the BU than they can even on his property, so it does not set a precedent, and he did not think it allowed for people in the RR-1 to come over and say they want half an acre, because it is a whole different zoning. Changing the zoning was a whole different world than just asking for a variance. What could be built and what will be built is two different things. There is an allowable 1,300 square feet that would mean he had to build bigger than the guy across the road is required to build. What they actually build on the property is up to the person that puts it there. If he was a homeowner there he would absolutely be concerned with what they want to build across the road, and he would hope that whoever builds there would take that into consideration. He did not think someone is going to build a home in the middle of all those beautiful homes to build a shack. At least they can build a 1,300 square foot home, which was about the size of the home he lives in. For all those reasons, he has made the motion to approve the variance. He knew it will not please some people, but if he disapproved it then it also would not please others, but according to what he has in front of him, and the conditions, he felt like they have to meet in order to ask for this variance, and he believed they had done that, which was the reason he was approving the variance. He would like everyone to know he understood the objections, when he received the letters he read them, and he drove out to the property more than once. The time he was there the sign was visible, he did not know if a rainstorm came through after, but when he was there it was flat and visible, in matter of fact he parked in front of it. He really felt for everybody involved in this, but he was going with what he felt the standards were that he has to go by in order to grant or reject a variance, and he believed they have done the best they could under those conditions, and that is his reasoning.

The motion passed unanimously.

The Board recessed at 3:35 p.m., and reconvened at 3:45 p.m.

2. (18PZ00095) DISTRICT 5 –EDWARD AND JOY PALMER requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1339(5)(a), to permit a variance of 7 feet from the required 25-foot minimum front setback for a principal structure in an Estate Use Residential (EU) zoning classification. The property is 0.39 acres, located on the east side of Highland Court, approximately, 160 feet north of Highland Drive (72 Highland Court, Indialantic)

Board of Adjustment Action: Young/Rhodes- Approved as depicted on the survey provided by the applicant. The vote was unanimous.

Recorder failed to record item 2: Summary

Edward Palmer, 72 Highland Court, stated he is requesting a variance of 7 feet from the required 25-foot minimum front setback to place an addition to the front of the principal structure.

Paul Body clarified that the variance depicted on the agenda was incorrect and should state 7 feet from the required 25-foot minimum front setback, not 5 feet from the required 25-foot minimum front setback.

No Public Comment.

Motion by Dale Young, seconded by Dale Rhodes, to approve the variance as depicted on the survey provided by the applicant. The motion passed unanimously.
Meeting Adjourned at 3:55 p.m.