

## BOARD OF ADJUSTMENT PUBLIC HEARING



**TUESDAY, AUGUST 14, 2007  
7:30 PM  
MALABAR COUNCIL CHAMBER  
2725 MALABAR ROAD  
MALABAR, FLORIDA**

### AGENDA

We are very glad you have joined us for tonight's Board of Adjustment Meeting. Meeting agendas can be accessed on the town's website ([www.townofmalabar.org](http://www.townofmalabar.org)). The public will have an opportunity to speak after presentations to the Board by the Petitioner/Applicant and Town Staff. The public may be allowed to speak at other times, at the discretion of the Chairperson. When you are recognized, please state your name and address and speak directly into the microphone. Please address all comments and questions to the Chairperson.

Town Attorney: Karl Bohne, Jr., P.A.

**Regular Members:** Paul Marpil, Chair, Anne Varco, Vice Chair, Carl Conklin, Barry Alexander, Attending; Pat Benington, excused

**Alternate Members:** Alt # 1 Donna Hanna, Alt # 2 Katherine Harwood, Attending

**Purpose:** The Board of Adjustment renders written decisions regarding a) zoning variances, b) appeals to administrative decisions of the Town of Malabar Land Development Code, and c) road improvement requirement variances.

**Other:** Copies of the staff report are available to the public for inspection approximately one week prior to the hearing. Interested parties and citizens may review the case file at the Building Department, Town Hall, 2725 Malabar Road, during normal business hours. Please call 727-7764 x 16 for more information.

#### A. CALL TO ORDER AND ROLL CALL

1. Approval of Minutes – July 10, 2007

#### B. OLD BUSINESS – None

#### C. NEW BUSINESS

2. **Variance:** Request for variance per Malabar Land Development Code, Article XII, Administrative Procedures, Section 1-12.2.D.1.a. which provides for procedure to Appeal a determination of an administrative official.  
**Case #:** 2007- 6  
**Owner/Agent:** Applicants Ronald and Dottie Thomas  
**Location:** 1835 Malabar Road, Malabar, Florida  
**Staff Representative:** Keith Mills, Town Planner, Debby Franklin, Administrative Assistant to the Building Official  
**Summary:** Applicants desire to re-build their house at this location after a fire. Lot is a non-conforming lot of record dating from pre-1960

D. STAFF REPORTS

E. MEMBER REPORTS

F. ADJOURNMENT                      Next Meeting –

**NOTICE OF RIGHT OF APPEAL  
OF BOARD OF ADJUSTMENT DECISIONS**

In accordance with the Town of Malabar Land Development Code Article XII, any person aggrieved may appeal a decision of the Board of Adjustment in Circuit Court of Brevard County. An appeal must be filed within 30 days after the filing of such decision with the Town Clerk, but not thereafter. Provisions for review of Board of Adjustment decisions must be in a manner provided by the laws of the State of Florida.

*“Person aggrieved” shall be in accordance with the Town of Malabar Land Development Code.*

*Any person desiring to appeal any decision made by the Board of Adjustment with respect to any matter considered at such meeting or hearing, will need a record of the proceedings, and for such purposes, must insure that a verbatim record and transcript of the proceeding is made in a form acceptable for official court proceedings, which record includes the testimony and evidence upon which the appeal is to be based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her own expense, as the Town does not provide one.*

**ATTN: PERSONS WITH DISABILITIES.** In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding shall, at least forty-eight (48) hours prior to the meeting, contact the Office of the Town Clerk at (321) 727-7764 x 12.