

**TOWN OF MALABAR  
BOARD OF ADJUSTMENT PUBLIC HEARING  
TUESDAY, MAY 7, 2019 at 6:00 P.M.  
MALABAR COUNCIL CHAMBER  
2725 MALABAR ROAD, MALABAR, FLORIDA**

**AGENDA**

- A. CALL TO ORDER**
- B. ROLL CALL**
- C. CONSENT AGENDA**
  - 1. **Approval of Minutes** - Board of Adjustment Meeting 1/8/2019  
**Exhibit:** Agenda Report 1
- D. VARIANCE HEARING**
  - 2. **Requests: Case No. 2019-0507-3**
    - 1) a 14-foot Variance to Malabar Land Development Code, Article III, Section 1-3, Table 1-3.3(A) Size and Dimension Criteria, Rear Setback Requirement of 20 feet in Residential (RS-10) Zoning to construct a pool.
    - 2) a four (4) foot Variance to the ten (10) foot requirement between a lot line and the water's edge of a pool per Article V, Section 1-5.26.1. a.  
**Applicants** are: Mr. and Mrs. Hughes  
**Location:** 1300 Pemberton Trail, (Brook Hollow subdivision), Malabar, Florida
  - 3. **Requests: Case No. 2019-0507-2**
    - 1) a Variance to Malabar Land Development Code, Article XIV, Section 1-14, Table 1-14.6 requiring a 40-foot landscape strip between the parking lot and Malabar Road in Office Institutional (OI) Zoning due to the hardship caused by the FDOT acquisition for the Malabar Road widening project.
    - 2) a Variance to the literal requirements of the Code as permitted in Article XV, Section 1-15.13 to preserve the maximum permitted lot coverage.  
**Applicants** are: Malabar Professional Plaza, LC, represented by Mr. Jim Hall of Hall Development Services Inc.  
**Location:** 775 Malabar Road, Malabar, Florida
- E. NEW BUSINESS/STAFF REPORTS/MEMBER REPORTS**
- F. ADJOURNMENT**

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

In accordance with the Town of Malabar Code Chapter 2 Article VIII Div.4 Sec 2-240, **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.