

## BOARD OF ADJUSTMENT MINUTES

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, March 24, 2021, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, with Chairman Dale Rhodes presiding, to consider the requests below:

Board members present were: Dale Rhodes, Chair, District 3; Jack Higgins, Vice Chair, District 1; and George Bovell, District 4

Staff members present were: Alex Esseesse, Assistant County Attorney; Robin Rogers, Assistant County Attorney; Jeffrey Ball, Zoning Manager; Paul Body, Planner II; and Michelle Adams, Administrative Secretary.

The Chairman, Dale Rhodes, called the meeting to order at 1:30 p.m.

### **Approval of February 24, 2021, Minutes**

Motion by Jack Higgins, seconded by George Bovell to approve the February 24, 2021, minutes. The vote was unanimous.

Paul Body explained the function of the Board of Adjustment; Jack Higgins explained the definition of a hardship; and Dale Rhodes explained the procedures of the Board of Adjustment.

All applicants and speakers were sworn in by the Chairman prior to providing testimony.

### **1. (20PZ00003) Howard T. and Mary-Anne Jo LaBarca**

Request a variance from Chapter 62, Article VI, Brevard County Code, Section 62-1405(6)(a) to permit a variance of 20.0 feet from the required 20.0-foot front setback, in a TRC-1 (Single-Family Mobile Home Cooperative) zoning classification, 0.11 acres, located on the southeast corner of Sea-Gull Drive and East Drive. (443 Sea-Gull Drive, Barefoot Bay) (Tax Account 3005901) (District 3)

Howard T. LaBarca, 443 Sea Gull Drive, Barefoot Bay. He said his house sits offset and to the west side of his property, with the 11-foot carport on the setback. He said when stepping off his carport, he's in the setback, making the 10 feet that he has useless. He said the house behind him sits to the east of his house, has a 13-foot carport instead of 11-foot, and has five feet of property on the west side on East Drive. He said because his house is off center, it makes it hard to do anything at all. He said he built a shed without permit from Barefoot Bay; before receiving permit, code enforcer Rich Armington came out and informed him that he would have to measure the property to see if the shed would fit. He said he was told it would and was issued the permit. He said when he picked up the permit, he was told to build it the way it is on the application, and he did. He said he then applied to the County for a permit; the code enforcer came back and said he had to remeasure because he thought he was over the property line. He said the first time he came out, he did not mention the property line or setback, knowing nothing about either. He said he measured again and told him it was within the limit; he came back a third time and told him it was over the property line. He said he asked how he was given a permit and was told that he gave the County more information than he gave him. He said he told him he didn't know it was up to him to explain where the property line was or where the building should be. He said he worked with the County and vacated the easement that was along East Drive and now needs a variance along East Drive to be able to leave the shed he already erected. He said he already moved back the front, a foot and a half, to get it inside the property line. He said when he first built it with Barefoot Bay's permit, it was over the property line.

Dale Rhodes, said that the gentleman he was talking about is with Barefoof Bay, not the County.

Howard T. LaBarca said the Code Enforcement was not with the County.

Dale Rhodes asked if he was aware he needed a County permit and one from Barefoot Bay.

Howard T. LaBarca said, not at first, after he built it, he was informed by the County code enforcer that he needed it; but the building was already up. He said he had just moved into Barefoot Bay and was told he needed a Barefoot Bay permit; he didn't know about Barefoot Bay or County rules. He said when he asked Rich Armington, from Barefoot Bay, about the size and permitted locations of the building, he was told that if he came out six feet from the house, they would approve it. He said he was already dealing with the County and when he asked Rich Armington about the six feet he was approving, he was told that he overruled the County. He said the County told him that was not true. He said he is now dealing with the County to correct all the misinformation and lies he has been told by Barefoot Bay, who gave him the runaround.

Dale Rhodes said in an HOA, what Barefoot Bay is, permission is needed before going to the County for a permit. He asked Howard T. LaBarca if he was aware of needing a County permit.

Howard T. LaBarca said no, because when he got the permit from Barefoot Bay, he read it in full and is stated on the bottom that a County permit may or may not be required. He said nobody at Barefoot Bay told him he needed to go to the County. He interpreted that as Barefoot Bay giving him the permit he was told he needed.

Dale Rhodes asked if when he read that he may or may not need a County permit, did he think he should have made that phone call.

Howard T. LaBarca said no, he interpreted it as meaning it may or may not be; he didn't know as this is the first time in his life that he had dealt with a building permit for County or Home Owners Association. He said they built the building and took off 1.5 feet to bring it inside the property line in the setback to appease the County.

Dale Rhodes said that there is one previously approved in that setback and asked Paul Body if he knew to what extent that was approved.

Paul Body replied he thought it was a foot; it was diagonally across East Drive, just south of this property.

Dale Rhodes said he went out to the property and drove around to look at the neighborhood. He said he did not see anyone's coming out to the extent that his did. He asked if there was another place he could have put the shed besides taking the entire 20-foot setback.

Howard T. LaBarca said he didn't think so and was not sure how many feet he had on the other side; there was a driveway there already, so he could put a golf cart in the shed if he wanted.

Paul Body said, there is a blanket variance on Barefoot Bay; on a corner lot there is 10-foot for the front and 15-foot for the side, either can be picked for the front and rear. He said there cant be a variance to a variance; he would be looking at 10 feet from the old variance. He said it has to be written to the code today, the 20 feet. He said the one he just mentioned, being a foot is actually nine

feet from the property line, so he would be looking for 11 feet. He said when asking him about 20 feet, he only needed 10 feet per the blanket variance.

George Bovell said he looks at this from a safety perspective and does not see a problem because the property line to East Drive is wide open. He said since Barefoot Bay can live with it and the County Commissioners have already vacated the easements, he is good with it.

Jack Higgins said he feels the same, this has come up before as far as Barefoot Bay's conditions.

No Public Comment

Dale Rhodes said they have six questions they address, first is regarding special conditions and circumstances existing that aren't applicable to other lands. He said other than this being a corner lot, the answer is probably no. He said regarding special circumstance that don't result from the actions of the applicant; other than it's a corner lot and Barefoot Bay having a setback, there is none. He said the request for the minimum variance that he needs is true. He said regarding the granting of this variance be in harmony with the general intent and purposes of this chapter, that one is questionable. He said the biggest thing here regarding hardship is, if he has use of his property without this variance; the answer is yes. He said the question is if it is reasonable for them to approve it.

Motion by Jack Higgins, seconded George Bovell to approve the variance as depicted on the survey submitted by the applicants. The vote was unanimous.

## **2. (21PZ00005) Bette Curry, Trustee (Gregory Bell)**

Requests a variance from Chapter 62, Article VI, Brevard County Code, Section 62-1334(5)(b) to permit an accessory structure located forward of the front building line of the principle structure, in an AU (Agricultural Residential) zoning classification, 3.38 acres, located on the west side of Gray Road, 1,600 feet north of Northern Oak Street. (375 Gray Road, Melbourne) (Tax Account 2800089) (District 5)

Gregory Bell, 375 Gray Road, Melbourne. He said he came before the Board a couple years ago to request a variance to allow two accessory structures in front of their property. He said the house was built in 1970 to the rear of the property, closest to the lake; the front of the house is about 137 feet from the road. He said to construct an accessory structure or garage, there is not another piece of property to do it. He said when he was approved for the variance for the two structures, upon further consideration of the overall lot design, they were able to relocate the storage hut to the rear of the property on the northwest corner for which he has a building permit and is in the process of constructing the 1000 square foot structure; he does not know if that shows on the survey. He said the new structure before them is of similar size to the second structure that was previously approved; they increased its distance from the front property line from 35 feet to 40 feet.

George Bovell said he remembered this one when he was Chair. He said the two things that are different is, the small shed has gone to the back and the larger one that was approved is resized. He said there was a concern from someone across the street about visibility, but there is a lot of vegetation so it could not be seen. He said not much has changed and he is ok with it.

Gregory Bell said he reached out to the neighbors this time and showed them the site plan; nobody had objections unless there is someone in the audience he isn't aware of.

Jack Higgins said he had no other comment and felt the same as George did.

#### No Public Comment

Dale Rhodes said regarding special circumstances or conditions that exist that are not applicable to other lands, he has a huge lake in back of his property which would not allow him to put this anywhere else. He said regarding enforcement of the provision depriving rights commonly enjoyed by other properties, that is true because he would not be able to build this garage if not approved. He said regarding the variance granted being the minimal variance, he reduced the size so that goes beyond what the minimum is.

George Bovell said he increased the size but it meets the requirement of the ratio to the residence, the issue is that it's in front, but he's ok.

Dale Rhodes said regarding the granting of the variance being in harmony with the general intent, they are ok there.

Motion by Jack Higgins, seconded George Bovell to approve the variance as depicted on the survey submitted by the applicant. The vote was unanimous.

### **3. (21PZ00006) Jared F. and Susanne H. Maher**

Request variances from Chapter 62, Article VI, Brevard County Code, 1) Section 62-1340(5)(b) to permit a variance of 0.6 feet from the required 7.5-foot side (east) setback for an accessory structure (deck), 2) Section 62-1340(5)(b) to permit a variance of 5.2 feet from the required 7.5 foot north setback for an accessory structure, 3) Section 62-2121(a) to permit a variance of 8.2 feet from the required 10.0 foot setback for a structure from a seawall, in an RU-1-11 (Single-Family Residential) zoning classification, on 0.27 acres, located on the northeast corner of Sykes Creek Drive and Cadiz Court. (200 Cadiz Court, Merritt Island) (Tax Account 2412485) (District 2)

Jared F. Maher, 200 Cadiz Court, Merritt Island. He said the previous owner Carol Murrell, before constructing the deck back in March 2020, contacted Planning and Zoning employee Kyle Harris who told her that since it was a stand-alone elevated sun deck, she would not need a permit, there were no problems with the setback on the canal and gave the green light to build. He said Brevard County Code Ordinance Section 62-2121(e)(4), elevated or cantilevered sun decks or balconies may project into the setback toward the water where the property is adjacent to a major water body. He said a major body of water is not defined in Brevard County Ordinances. He said they contacted Zoning and Planning asking for information on what a major body of water was and was referred to 62-2118, though it doesn't describe what a major body of water is; it says main high-water line of major natural water bodies will be used when computing the lot size and density and says the front line may be frontage along a major body of water. He said the deck was built based on the information that it didn't require a permit. He said in April, Code Enforcement received an anonymous complaint, later self-revealed as 2370 Sykes Creek, who had an ongoing feud with the previous owner of his property. He said she told him she had no issue with the sundeck, would help anyway she could and signed off as a neighbor having no issue. He said this was revealed two days before closing on the property,

July 15, 2020; he didn't know of the code enforcement action. He said he debated pulling out of the property having already sold his previous home, or proceeding. He said his real estate agent assured him he would help with the necessary documents to make sure the sun deck was legal. He said they got the vacating of the utility established right away. He said the sun deck was one of the reasons he purchased the property, having a beautiful view out to Sykes Creek; he was disappointed to find out about the enforcement action on it. He said he did research to find out what a major body of water is, scanning every Brevard County Ordinance but could not find anything. He said a lot of this confusion could have been resolved if, according to the previous owner, she was not told she didn't need a permit and had gotten one originally. He said as the new homeowner he has had to get it resolved and try to keep the sun deck. He said he respectfully asks the Zoning and Planning folks to approve the sundeck for him.

Paul Body said underneath the section on residential boat docks, 2118, there is a definition of canal; a manmade or artificially improved natural waterway, at least 80 feet in width used for navigation and drainage. He said this is a manmade platted canal, not a major body of water.

Dale Rhodes said he is in Mr. Hartman's district who was unable to be there today, but had stated that he did not have an opinion on the item and had wanted to hear the testimony.

George Bovell said he did not have any questions but was waiting to see if there were any neighbors with objections. He said he does not see as it stands right now, how it affects anybody else or navigation in the canal. He said if there are not public objections, he is ok with it.

Dale Rhodes asked if she got a permit to build it.

Jared F. Maher said no, she was told that she didn't need one.

Dale Rhodes asked if he had anything to do with the construction or just bought the property and is now trying to rectify the situation.

Jared F. Maher said yes.

Dale Rhodes asked if his realtor helped him.

Jared F. Maher said her realtor did, he has been very helpful.

#### Public Comment

Paul Matchett, 8573 Winder Way, Melbourne. He said he is very familiar with the property and was the agent on the other side of this transaction, they found out at the same time right before closing. He said there used to be a walkway in the area that led out to a dock; this deck is very small and is a small request. He said satellite images show several properties that have the same thing and variances along the water. He said its been a long road with requested variances and surveys, but it's a small deck and a benefit for the house because inside the house the water can't be seen.

Dale Rhodes said he thinks the biggest thing is if he created this himself and the answer is no. He said, on the aerial he saw several homes with pools or docks that come up close to the property line as this does. He said its in keeping with the neighborhood.

Motion by Jack Higgins, seconded George Bovell to approve the variance as depicted on the survey submitted by the applicants. The vote was unanimous.

**4. (21PZ00007) Carol M. Hahn**

Requests variances from Chapter 62, Article VI, Brevard County Code, 1) Section 62-1336(4) to permit a variance of 0.05 acres from the 1.0 acre required lot size, 2) Section 62-2128 to permit a variance of 0.05 acres from the 1.0 acre required for a lighted tennis court, in an RR-1 (Rural Residential) zoning classification, on 0.95 acres, located on the west side of Seminole Boulevard, approximately 445 feet south of West New Haven Avenue (2020 Seminole Boulevard, West Melbourne) (Tax Account 2800329) (District 5)

Carol Whalen (previously known as Carol Hahn), 2020 Seminole Boulevard, West Melbourne. She asked if verification for her name change was needed.

Paul Body said that is in her file.

Carol Whalen said the first variance is .05 acres; she purchased the property in 2004 and to her knowledge she had an acre. She said when she applied for a permit for a tennis court, she was told she had .95. She said she was told for the first variance, that she had to correct the error the previous owner did when he subdivided it back in 2002 or 2003. She said if he had subdivided it correctly, she would have the full acre since in an RR-1. She said the second variance is also for .05; they would like to put a lighted tennis court on their property, which needs a half acre, but to put lights on it they need a full acre. She said they want the ability to put lights on the tennis court as they still work for a living and want to play in the evenings when they get home from work. She said her house is a two story and the tennis court would be in the back yard; the two story would block the lights from anyone on Seminole Boulevard. She said they have commercial property to the north, 50 or 60-foot-tall pines to the west and statements from neighbors to the south that have no problem with the tennis court lights. She said the lights would be located on the east and west sides, face down onto the court and not face north or south. She said she has the two statements from neighbors if necessary.

Jack Higgins asked if a contractor was doing the lighting as sky lighting is more important than ground lighting. He said planes complain about that all of the time, its his business; a contractor doing it will have to meet it.

Carol Whalen said yes, she has an electrical contractor doing the work.

Jack Higgins asked if it was professionally designed.

Carol Whalen said yes.

Dale Rhodes asked if it would be shining into any neighbors' windows.

Carol Whalen said no, it would be shining directly down on the court.

Jeffrey Ball said there is a lighting ordinance; when they come in for a building permit, they will make sure that it has the correct Luminant and spillage as to not create a shadow on adjacent properties.

No Public Comment.

Motion by Jack Higgins, seconded George Bovell to approve the variance as depicted on the sketch description submitted by the applicant. The vote was unanimous.

**5. (21PZ00008) Frank R. and Ellen C. Hammond**

Request a variance from Chapter 62, Article VI, Brevard County Code, Section 62-1340(5)(a), to permit a variance of 9.0 feet from the 20.0-foot front setback required for a principal structure, in an RU-1-13 (Single Family Residential) zoning classification, on 0.56 acres, located on South Tropical Trail from the Indian River to the Banana River, approximately 6,200 feet north of South Tropical Trail and Mathers Bridge at Banana River Drive (10780 South Tropical Trail, Merritt Island) (Tax Account 2708407) (District 4)

Frank R. Hammond, 10780 South Tropical Trail, Merritt Island. He said there were two houses on the property at one point; in 1991 one of them burned down. He said they renovated one and went through Darcie in Natural Resources to comply when moving some impervious structures, to build an addition onto the house. He said they are asking for the variance to build it. He said he brought his builder with him to answer questions if needed; they did the paperwork to approve him.

George Bovell asked if the riverside is what they are considering the front property line.

Frank R. Hammond said yes.

George Bovell said he does not have a problem with the new structure and connecting with a breezeway. He said what he needs is beyond appropriate, he is good with what he is doing.

Jack Higgins said he agrees with George's comments.

No Public Comment

Dale Rhodes said this was a situation that was not one the owner created, they are legitimizing something that is already there.

Motion by George Bovell, seconded by Jack Higgins to approve the variance as depicted on the survey submitted by the applicants. The vote was unanimous.

**6. (21PZ00009) Shalanda Henderson**

Requests variances from Chapter 62, Article VI, Brevard County Code, 1) Section 62-1340(5)(b), to permit a variance of 3.0 feet from the 7.5 foot rear setback required for an accessory structure, 2, Section 62-1340(5)(b), to permit a variance of 14.0 feet from the 15.0 foot side street setback required for an accessory structure in an RU-1-11(Single Family Residential) zoning classification, on 0.20 acres, located on the southwest corner of Shepard Drive and Noreen Boulevard (2820 Shepard Drive, Rockledge) (Tax Account 2510041) (District 2)

Shalanda Henderson, 2820 Shepard Drive, Rockledge. She said on March 28, 2019, she purchased her first home, which had a shed in the back yard. She said she didn't know that adding to the shed was illegal; she added 10 feet toward her home. She said somebody made a Code Enforcement complaint about the 10 feet she added. She said officer Denny Long showed her that she needed 1.5 feet of the drainage easement on the rear which she applied for through the roads and bridges and it was granted. She said she needed a 1.5-foot variance on that same side plus 15 feet for the side facing Noreen to make the preexisting structure legal. She said Kristin Champion looked at the aerial when she first applied and it had been there for at least four years. She said this process has been going on for a year and a half so it's been there for at least five and a half years. She said its behind a six-foot privacy fence, it can't be seen and doesn't bother anyone. She said its all on her property and there is nowhere else to put it if she added more to it. She said she moved her mother in for retirement; her mother's two-bedroom apartment and her three-bedroom apartment had to fit and she is a single mother of three kids. She said she thought to use the woodworking with the addition to store extra beds, which turned out to not be a good idea. She said she was told she could get an after job permit after adding the 10 feet but has learned that's not the case.

Dale Rhodes asked if the section she added on goes into any of the setbacks.

Shalanda Henderson said no it does not, she is just trying to get approval of what was previously there that they did not get a permit for.

Dale Rhodes said that District two is Mr. Hartman whose statement says he supports the variance.

George Bovell said that there is no place else on the property for the shed to go. He said the easements have been vacated by the County Commissioner and has no problem with it.

Jack Higgins said there are a few others in the neighborhood.

No Public Comment

Motion by George Bovell, seconded by Jack Higgins to approve the variance as depicted on the survey submitted by the applicant. The vote was unanimous.

#### **7. (21PZ00010) John F. and Pamela Biddulph**

Request variances from Chapter 62, Article VI, Brevard County Code, 1) Section 62-1336(4), to permit a variance of 38.0 feet from the 125.0 feet required minimum lot width, as defined in Section 62-1102 Definition of Lot Width, 2) Section 62-1336(4), to permit a variance of 0.46 acres from the 1.0 acre required lot size in an RR-1 (Rural Residential) zoning classification, 0.54 acres, located on the Indian River, 2<sup>nd</sup> lot west of A1A, approximately 3.7 miles north of the intersection of South Highway A1A and Sebastian Inlet. (No assigned address) (Tax Account 2959537) (District 3)

John F. Biddulph, 715 Atlantic Drive, Satellite Beach. He said he is seeking a variance to a property that has been in his family for 65 years. He said they would like to build a single-family home and are requesting a 38-foot variance to the width and also to the minimum lot area.

Dale Rhode asked if they own the property in front as well and if there was a house on that property.



John Biddulph said yes.

Dale Rhodes asked who lived in that house.

John Biddulph said it's a rental house.

Dale Rhodes asked when the property was divided.

John Biddulph said he believed in 97.

Dale Rhodes asked if they also had the property across the road on the ocean.

John Biddulph said yes.

Dale Rhodes said, if the lots were married together, giving the acreage that is needed, he would not be able to build a second house and asked if that was correct.

John Biddulph said that is correct.

Dale Rhodes asked if they wanted to keep the rental house.

John Biddulph said yes.

Dale Rhodes asked Paul Body to explain the use code for the property he is wanting rezoned, Residential Related Amenities.

Paul Body said usually what the property appraiser means is there was something like a shed or detached garage on it. He said he is not sure what's on the property now, there may have been something on before and they haven't come out to examine the property to see there is nothing on it.

Dale Rhodes asked if they would be able to build on the lot if they gave him the variances.

Paul Body said yes.

Dale Rhodes said he had to have an easement through his front property to the back property.

Paul Body said yes, they are going to apply for that after they get this variance.

George Bovell asked Paul Body if before the property was administratively rezoned in 97, would they have been able to build on it.

Paul Body answered yes, it was administratively rezoned from RU2-4 low density multifamily to the RR-1; it was done so the zoning classification would comply with the future land use of the comprehensive plan when they changed the south beaches from Residential 4 to Residential 1.

No Public Comment

Dale Rhodes said the rezoning is what put them in this situation. He said having reviewed this before, he thought to just marry the lots to build whatever house wanted. He asked for clarification as to if he could have two houses on the property if he married the two.

Paul Body said no, it's a single-family zoning, both of the lots were rezoned.

Dale Rhodes asked if it was multifamily before the rezoning.

Paul body answered yes, it was RU2-4, the 4 stands for four units per acre.

Dale Rhodes said before the administrative rezoning, he could have built a second house in back.

Paul Body said the density allowed for four units per acre.

Dale Rhodes said, he is assuming he didn't ask for rezoning and it took him out of the use that he was planning to use it for. He said he is in favor of the motion.

Motion by George Bovell, seconded by Jack Higgins to approve the variance as depicted on the survey submitted by the applicants. The vote was unanimous.

### **Board Discussion**

Paul Body said he wanted to address the Board of Adjustment on item number three. The applicant wanted to throw one of the planners under the bus. He said when getting a building permit, the zoning department does not determine who gets a permit, that's up to the building department. He said they may get a question asking if they can put a deck on the back of their property. He said they don't regulate flat work as far as setbacks. He said when told they can build a deck, they go to the building department and hear that permits are not needed for flat work. He said then the person builds a deck that is really a structure. He said when someone calls him to ask about putting a deck on their property, he says if they put hand rails on it and its over four feet, it's considered a structure and needs to meet structural setbacks. He said generally a person that calls does not give enough information to determine if it needs to meet setbacks. He said something like that was presented here; they build something totally different than what was conveyed.

Jack Higgins said it was on the phone too.

Paul Body said they don't give plans they just ask, and when he gets that call he asks if it will have a handrail, will it be elevated, and does it need to be structurally sound to support people. He said the zoning department is not the one that tells people that they need a building permit.

Jack Higgins asked if it would be better to advise people to bring a sketch in to advise them better.

Paul Body said yes, but a lot of people say its just going to be flat work.

Jack Higgins said then the question cannot be answered.

Dale Rhodes said, this is the one that they didn't build it, the previous owner did.

Paul Body said yes it was the previous owner but kept throwing out that Kyle said it was ok.

Jeffrey Ball said his staff would not tell someone they could put a structure inside of the easement. He said someone did not state it was within the easement area, that is something they would look at. He said that staff is working on a dock code change that will be going to the Board for final review on April 20<sup>th</sup>, the day after they meet and there are a couple of docks on there.

Paul Body said he thought it was the day before, the 21<sup>st</sup> is the day the BOA meets.

Dale Rhodes asked if it would change the need for their variance if it passes.

Paul Body said, the one in question is a variance that is into the dock for the side setback. He said right now the code doesn't include the boat, only the dock. He said the new code will include that the boat has to meet the setbacks too.

Dale Rhodes asked if the County Board approved it, will it change the need for the variance.

Paul Body answered he is not sure because he does not know how big the guys boat is. He said its close to the property line extensions.

Jeffrey Ball said that what they present to the Board may not be what they ultimately decide. He said it's a moving target until they know what the Board's direction is.

Jack Higgins asked if they will be given a copy when it does.

Jeffrey Ball said yes.

Dale Rhodes asked if they will be given an update, because it changes what the request is.

Jeffrey Ball said it would not adjust the request; they would provide an additional stipulation. He said the code change is to require a 7.5-foot clear space; right now, the code requires a 7.5-foot setback from the dock structure itself. He said that some residents with really long boats that stick out are causing conflict between adjacent property owners moving boats in. He said whatever the Board decides, they will move forward; he just wanted to put that on their radar.

Dale Rhodes said to Alex Esseesse that he had asked him to address the six points and asked if he wanted him to do that on every one or only the ones they are thinking about not approving.

Alex Esseesse replied that for each variance they have to find that it meets those six requirements.

Paul Body said if they need him to go over variances before the meeting, or have any questions, they are welcomed to give him a call; he does that often with the attorney and Jeffery reads over them.

Dale Rhodes said he understood they can do that as individuals, just not collectively. He said that would be beneficial as he wonders what they are thinking and they don't have the expertise he does.

Paul Body said a previous Board member would call him each time to go over questions and confirmed his number to be 321-350-8265.

Upon consensus, the meeting adjourned at 2:40 p.m.