

Meeting Minutes
TOWN OF INDIALANTIC BOARD OF ADJUSTMENT
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
January 12, 2022 AT 5:30 P.M.

A. Call to Order:

A regular meeting of the Board of Adjustment was called to order at 5:41 p.m. by Chairman Justice, followed by the pledge of allegiance. The following members were present:

David A Justice Chairman
Safvat Kalaghchy Member
Jeffrey Schulte Member

Also present:

Michael Casey, Town Manager
Paul Gougelman, Town Attorney
Rebekah Raddon, Town Clerk
Cliff Stokes, Building Official
Mollie Carr, Administrative Asst.

B. Approval of Prior Meeting Minutes:

Minutes – November 10, 2021

Motion by Member Kalaghchy, seconded by Chairman Justice, and vote unanimous to approve the minutes. Motion carried 3-0.

C. Variance Request – Coastal Construction Control Line (CCCL):

Site address: 30, 40, & 50 Eighth Avenue, further described as lots 13 and 14; Block 38, Indialantic By-the-Sea; Parcel ID 27-38-31-EO-38-13

Zoning: T – Tourist District

Applicant/Owner: Clayton Bennett, PE, Bennett Engineering & Consulting, LLC / MJS Development, LLC

1. A variance in accordance with Code of Ordinances Section 103-39 (c) (1) to construct a multifamily residential project 31.1 ft seaward of the coastal construction control line.

Clayton Bennett, P.E., Bennett Engineering & Consulting, LLC, 4940 Ranchland Rd., Melbourne, joined the meeting by telephone and spoke on behalf of the applicant, MJS Development.

Town Attorney Gougelman asked to make the survey and the signed/sealed CCCL report, provided by Mr. Bennett, P.E., part of the record.

Building Official Stokes noted that he has no issues or concerns with the project.

Mr. Bennett explained that a CCCL variance is not a zoning variance. The proposed project meets the requirements for a CCCL variance, which ensure that: the construction will not jeopardize the stability of the beach-dune system, will not accelerate erosion, and will not endanger either adjacent or

landward property or the property in question itself. He noted that the parcel is located landward of Wave Crest Avenue and no construction is proposed near the beach dune system. The construction will be in accordance with the Department of Environmental Protection coastal construction requirements and the Florida Building Code, which requires installation of a pile foundation to securely anchor the project.

In response to a board member's question, Mr. Bennett indicated that the east side of the parcel is at grade and fill will be brought in for the west side of the parcel.

Public Comments:

Rob Finlayson, 312 Wave Crest Ave., said the lot was cleared of an ancient sea grape. With the sea grapes gone, he is concerned about erosion and also the elevation difference of neighboring properties.

Mr. Bennett indicated that he has submitted the site plan for review and these concerns are better addressed at the Zoning and Planning meeting. Additional surveying was done to address the town engineer's comments regarding drainage.

Peter Heaton, 404 S. Miramar Ave., Unit 3, inquired about setbacks and if the project complies with the Town's breezeway requirements. Building Official Stokes indicated he is still reviewing the plans but they do meet setback and breezeway requirements.

Town Attorney Gougelman inquired if the property would be replatted. Mr. Bennett indicated the owners would likely replat; he will confirm that at the Zoning and Planning meeting.

Chairman Justice asked for a motion on the variance; Town Attorney Gougelman suggested the motion be made to allow construction 36.3 feet seaward of the CCCL due to a pad on the east side of the project, subject to the site plan and to the conditions on the site plan, in particular, the DEP construction provisions.

Motion by Schulte, seconded by Kalaghchy, and vote unanimous to approve the CCCL variance as stated by the town attorney. Motion carried 3-0.

D. Adjournment:

There being no further discussion, the meeting was adjourned at 5:57 p.m.

David Justice, Chair. Signature on file.

Attested by: Rebekah Raddon, CMC, Town Clerk. Signature on file.