

Minutes
TOWN OF INDIALANTIC BOARD OF ADJUSTMENT
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
April 7, 2021 AT 5:30 P.M.

A. Call to Order:

A regular meeting of the Board of Adjustment was called to order at 5:28 p.m. by Vice Chairman Campbell with the following members present:

Chris Campbell	Vice Chairman
Safvat Kalaghchy	Member
Jeffrey Schulte	Member
Sam Martorella	Member
Stephen Baughn	1 st Alternate
Michael Hill	2 nd Alternate

Also present:

Michael Casey, Town Manager
David Tolces, Acting Town Attorney
Cliff Stokes, Building Official
Rebekah Raddon, Town Clerk

B. Approval of Prior Meeting Minutes:

Minutes – January 13, 2021

Motion by Member Martorella, seconded by Member Schulte, and vote unanimous to approve the meeting minutes. Motion carried 5-0.

C. Variance Request -- Site Address: 134 Second Avenue, Applicant: Amber Chang Armstrong (Owner), Zoning: R-2 Duplex Residence Districts. Variances requested:

Section 113-225 Accessory Buildings and Structures in Residential Zoning Districts:

- **(c)** – A variance to allow an existing (non-conforming) accessory structure to remain on site while demolishing the primary structure.
- **(5)** – A variance of 185 sq. ft. to the maximum square footage of a private garage.

Section 113-226 Building Grade:

- **(b)** -- A variance of 1-3 inches to the requirement for minimum finished grade.

Section 113-333 R-2 Duplex Residence Districts:

- **(2) b.** -- A variance of 3' on the western setback and a variance of 2.5' on the northern setback.
- **(4)** -- A variance of 3.5' to the maximum height of an accessory use structure.

Vice Chairman Campbell briefly explained the order for speaking during the meeting and invited the applicant to speak regarding the variances they are requesting.

Kerry Armstrong and Amber Chang Armstrong, owner/applicant, 134 Second Avenue, briefly explained their request. In summary, they noted that the primary structure, a home built in 1924, was destroyed by a hurricane and tornado in 2017. The nearly 100-year old accessory structure, a detached garage/efficiency, was not damaged in the storm and is in good repair. They would like to keep the garage and demolish and rebuild the home. All the variances being requested would simply allow them to keep the garage. The applicants answered the board's questions regarding the structure; it was noted that there is a bathroom in the garage which is convenient for their children to use while playing outside, and the garage is mostly used for storage.

Mr. Stokes commented that he did not see a hardship or difficulty; he noted that the lot is 100' by 100' and the code does not allow an accessory structure without a primary structure. He is concerned that if the board grants the variances to allow the owners to keep the garage, and the owner files an insurance claim on it, the result would be a higher Insurance Services Office (ISO) rating for the community leading to an increase in the cost of home owners insurance for all residents in Town. He is opposed to granting the variances as he feels it will negatively affect the community as a whole.

He further explained that when a primary structure is demolished, the entire property must be brought into compliance with the Town code, and this includes any accessory structures on the property.

Kerry Armstrong noted that tearing down the garage would be a hardship for them as the building is good repair and is a significant asset.

There was discussion regarding options for renovating the home instead of tearing it down; in summary, Mr. Stokes noted that improvement consisting of 50% of the value of the home is considered substantial and that is the threshold at which the entire property must be brought into compliance.

The applicants inquired about raising the floor elevation of the garage. Mr. Stokes explained that the house can be reconditioned instead of tearing it down, which would allow the garage to remain on site. It was noted that the front of the home is non-conforming.

Kyle Militano, 427 Pirates Moon Court, Indialantic, inquired about leaving several walls up; Mr. Stokes indicated he would need to review plans to determine compliance. It was noted that historical homes are listed on the State of Florida register.

Vice Chairman Campbell asked for public comments; Lisa Rosati, 117 Tradewinds Terrace, inquired about construction plans that would allow the garage to remain on site.

MOTION by Member Schulte, seconded by Alt. #2 Member Hill, and vote unanimous to deny all variances requested. Motion carried 5-0.

Variances Denied.

D. Adjournment:

The meeting was adjourned at 5:56 p.m.

Chris Campbell, Chair. Signature on file.

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