

Meeting Minutes
TOWN OF INDIALANTIC BOARD OF ADJUSTMENT
Council Chamber, 216 Fifth Avenue, Indialantic, FL 32903
Monday, April 24, 2023 AT 5:30 P.M.

A. Call to Order:

A regular meeting of the Board of Adjustment was called to order by Chair Justice at 5:30 p.m. followed by the Pledge of Allegiance. The following members were present:

David A Justice	Chair
Stephen Baughn	Vice Chair
Safvat Kalaghchy	Member
Michael Hill	Member

Absent:

Eileen Mullen, Member
Guy Newman, Alternate #1

Also attending:

Cliff Stokes, Building Official
Paul Gougelman, Town Attorney
Rebekah Raddon, Town Clerk
Mollie Carr, Admin. Asst.

B. Approval of Prior Meeting Minutes:

Minutes – March 8, 2023

Motion by Member Kalaghchy, seconded by Vice Chair Baughn to approve the meeting minutes. Motion carried unanimously, 4-0.

C. Variance Request:

Site address: 340 Oakland Avenue
Zoning: R-1-A
Applicant/Owner: Wendy and David Cable

- 1. Code Section 113-222 – Fences, walls (C) Setbacks (2)** - Requesting a variance of 9' from the required 10' setback to allow an installed fence to remain located 1' from the rear property line.

Chair Justice read the variance request and asked the building official to comment. Mr. Stokes advised that a permit was issued for the fence, however, it was determined later that the survey provided was not legitimate as a street wasn't shown which caused some confusion. He described the first permit application he received for the fence, which he rejected. The second permit application was approved, however, upon final inspection, the fence extended past the front of the house. Mr. Stokes advised

the applicant that the front of the fence was on the neighbor's property which would require a permit from that owner. The remainder of the fence was 1' from the property line which requires either a variance or needs to be relocated.

David Cable, 340 Oakland Avenue, advised that the front section of the fence has been removed.

Town Attorney Gougelman confirmed that the photos were taken by the applicant, David Cable, and made them part of the record.

David Cable, 340 Oakland Avenue, advised that the survey in the permit application was provided to them by the title company when they closed on the home.

Wendy Cable, 340 Oakland Avenue, advised that the letter they included in the variance application explains it all; they built the fence exactly as depicted in the approved permit application in good faith, and they are not trying to get around anything.

Mr. Gougelman noted that there were two letters of no objection from neighbors John and Pam DiGioia, 440 Watson Drive, and Taylor Stallings-Pinnick, 326 Oakland Ave. He made the letters part of the record.

There was brief discussion about the unusual nature of the property. Mr. Stokes advised that the fence does not cause any visibility or safety issues, and he confirmed that the fence is in line with other fences in the neighborhood. It was the consensus of the board that the issue was not the fault of the homeowner.

Motion by Member Hill, seconded by Vice Chair Baughn, and vote unanimous to approve the variance request as written due to the owner not doing this facetiously, there being no safety concerns, and the fact that all neighboring fences are in line with this fence. Motion carried 4-0.

D. Adjournment:

There being no additional agenda items, the meeting was adjourned at 5:45 p.m.

Dave Justice, Chair. Signature on file.

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