



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

[landdevelopmentweb@palmabayflorida.org](mailto:landdevelopmentweb@palmabayflorida.org)

### Prepared by

Patrick J. Murphy, Assistant Growth Management Director

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#### CASE NUMBER

V-26-2020

#### PLANNING & ZONING BOARD HEARING DATE

November 4, 2020

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#### PROPERTY OWNER & APPLICANT

Palladio Development, LLC,  
Giro Katsimbrakis, Manager

#### PROPERTY LOCATION/ADDRESS

North of and adjacent to Aladdin Street NE, in the  
vicinity north of Browning Avenue NE

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#### SUMMARY OF REQUEST

Variance from Section 174.073(A)(3) for a proposed single-family home to exceed the maximum finished floor elevation.

##### Existing Zoning

RS-2, Single-Family Residential

##### Existing Land Use

Single Family Residential Use

##### Site Improvements

Undeveloped Lot

##### Site Acreage

0.23 acres, more or less

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#### SURROUNDING ZONING & USE OF LAND

##### North

RS-2, Single-Family Residential; Melbourne-Tillman Canal No. 50

##### East

RS-2, Single-Family Residential; Single-Family Residence

##### South

RS-2, Single-Family Residential; Aladdin Avenue NE

##### West

RS-2, Single-Family Residential; Single-Family Residence

#### COMPREHENSIVE PLAN COMPATIBILITY

Not Specifically Addressed

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**BACKGROUND:**

The subject property is currently a vacant, undeveloped lot within the Port Malabar Unit (PMU) 7 subdivision. The property is a standard GDC lot with a dimension of 80' wide by 125' deep. There are homes on either side of the lot and the surrounding neighborhood is mostly developed with single-family dwellings. PMU 7 was provided with city water & sewer from 2002-2004. Applicable stormwater management standards applied to the subject property were adopted by City Council in 2006 (Ord 2006-62). The applicant intends to construct a new home with a 2-car garage and approximately 1,865 square feet of living area. Applicable setbacks and other zoning provisions have been met.

**ANALYSIS:**

Variances from the terms of the land development code may be granted when special conditions exist that would result in unnecessary hardship if the provisions of the Land Development Code were enforced. However, a variance may not be granted when the public health and safety would be compromised as a result of the variance. An application must demonstrate that items 1 through 7 of Section 169.009 of the Code of Ordinances have been met. A review of these items is as follows.

**Item 1** - *"Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings or structures in the same land use category, zoning district or situation."*

Section 174.073(A)(3) "In areas with municipal sanitary sewer service, the maximum height of the lowest finished floor elevation of a proposed dwelling cannot exceed one (1) foot above the highest finished floor elevation of any side adjacent existing dwelling."

The lowest finished floor elevation (FFE) of an existing, adjacent dwelling is that of the residence to the east, at 275 Aladdin Avenue. This home has an FFE of 26.8'. Since the above code allows for a maximum of one (1) foot above this elevation, the proposed home could not exceed an FFE of 27.8' without an approved variance.

The applicant has proposed a new dwelling upon the subject property with an FFE of 30.0' and thus desires a variance of 2.2'. A home could be built upon the subject property with an FFE of 27.8' and meet City codes. However, there are other factors involved. Specifically, the adjacent lot to the west (259 Aladdin) has an FFE of 31'. The applicant believes that this difference of almost 4' would cause drainage and "standing water" issues for their client along the west side of the property.

In addition, there is a side lot line ditch on the east side of the subject property that accepts stormwater from the Aladdin Street swale and conveys it to the canal running behind (to the north) the lots on this block. City codes also require setback and sloping requirements for

properties adjacent to such a ditch. Therefore, the builder must balance the placement of the home and its elevation between these two factors.

**Item 2 -** *"The special conditions and circumstances identified in Item 1 above are not the result of the actions of the applicant."*

None of the items discussed in Item 1 are a result of the actions of the applicant. Lot 17 was constructed to meet city ordinances in 2017 and the home on Lot 19 was also built to city standards, in 2019. Location of the side lot line ditch was a factor of the slope of Aladdin Street. As such, the request does not appear to be self-induced.

**Item 3 -** *"Literal interpretation and enforcement of the land development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same land use category, zoning district or situation under the terms of the land development code, and would work unnecessary and undue hardship on the applicant."*

Literal interpretation and enforcement of Chapter 174 would require the applicant to construct a home that would be subject to possible flooding if built to conventional standards. Alternative constructions methods to alleviate potential runoff from the adjacent lot to the west may prove costly.

**Item 4 -** *"The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure."*

The applicant believes the Variance requested in this application is the minimum variance needed to safely accommodate construction of a new dwelling on the subject property.

**Item 5 -** *"Granting of the variance request will not confer on the applicant any special privilege that is denied by the land development code to other lands, buildings or structures in the same land use category, zoning district or situation."*

The intent of this item is that of equity. That is, standards in the Zoning Code are intended to be administered fairly. Variances from such codes are issued to provide relief to a property which is unfairly burdened. Due to the factors discussed in Item 1 of this report the applicant appears to be burdened by the existing elevations of adjacent properties and by the presence of the side lot line ditch. Denial of the variance may confer a hardship upon the applicant and staff believes the request is a reasonable solution to these unique set of circumstances that are not commonly found on other properties.

**Item 6 -** *"The granting of the variance will be in harmony with the general intent and purpose of this code and will not be injurious to the surrounding properties or detrimental to the public welfare."*

The Planning and Zoning Board and City Council shall determine if the variance requested in this Application is in keeping with the general intent of the applicable sections of the Land Development Code.

**Item 7** - *"The variance represents a reasonable disposition of a claim brought under the Bert J. Harris Private Property Rights Protection Act, chapter 95-181, Laws of Florida, that a development order of the city has reasonably burdened the applicant's property, based on the recommendations of the special master appointed in accordance with the act, or the order of a court as described in the act."*

Staff has not received a claim made upon this property, with respect to the "Bert J. Harris Act," or any development order, as indicated above. Therefore, Item 7 is not applicable to the variance request.

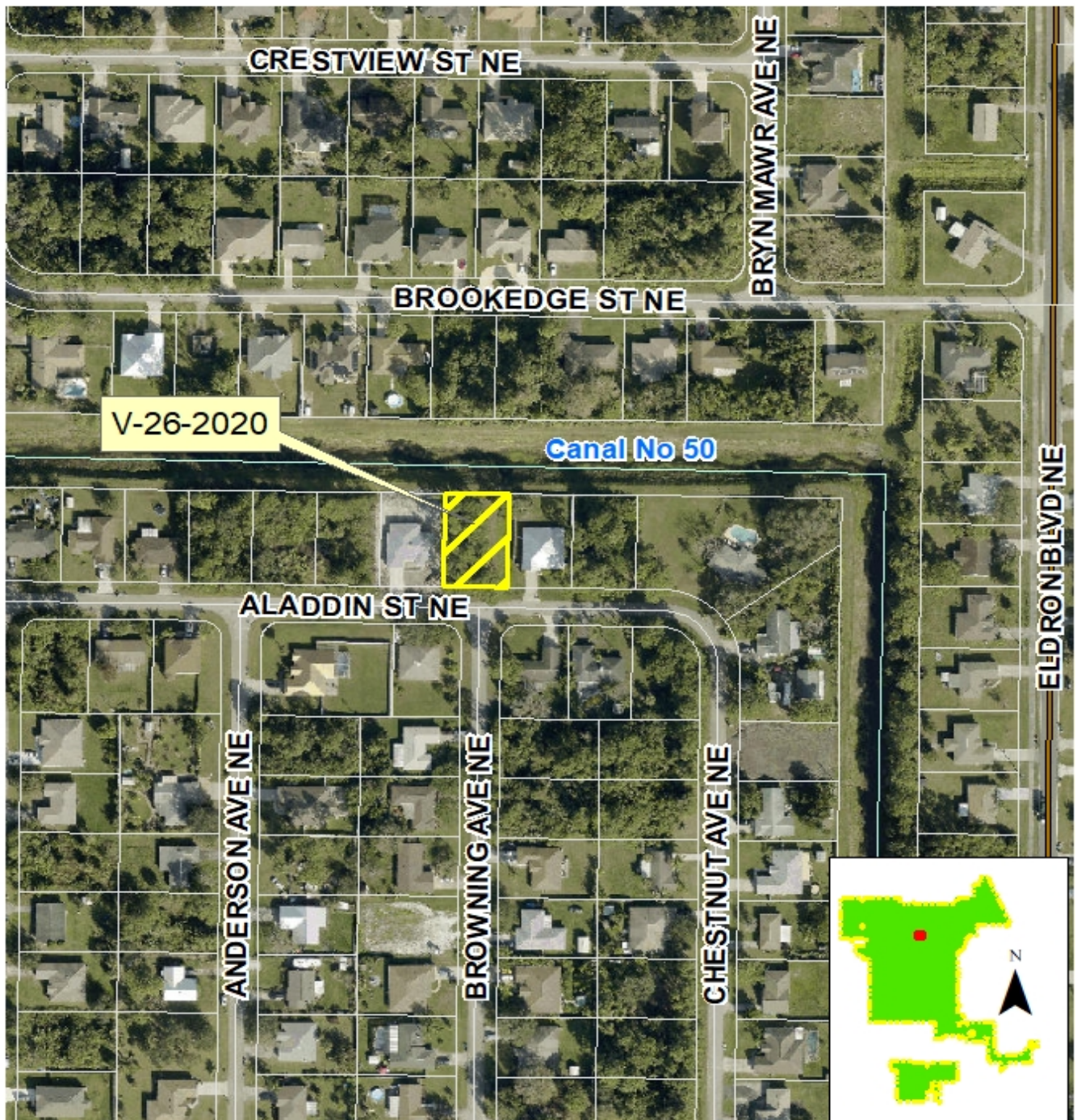
**STAFF CONCLUSION:**

The Planning and Zoning Board must determine, based on the facts presented, to what degree, if any, of minimal relief is required to meet the needs of the variance being requested, as required under Section 169.009 of the City of Palm Bay Code of Ordinances and make recommendations to City Council for a final review. Under 59.05(A)(14) City of Palm Bay Code of Ordinances, "The quasi-judicial body shall direct the clerk or [city] attorney acting as the body's legal counsel to prepare the necessary and appropriate written order in accordance with the purpose of the hearing and findings of the quasi-judicial body. Pursuant to Florida Statutes, in the event relief is denied to the applicant, the specific provision of statute or code that was deficient shall be stated for record."





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## AERIAL LOCATION MAP CASE V-26-2020

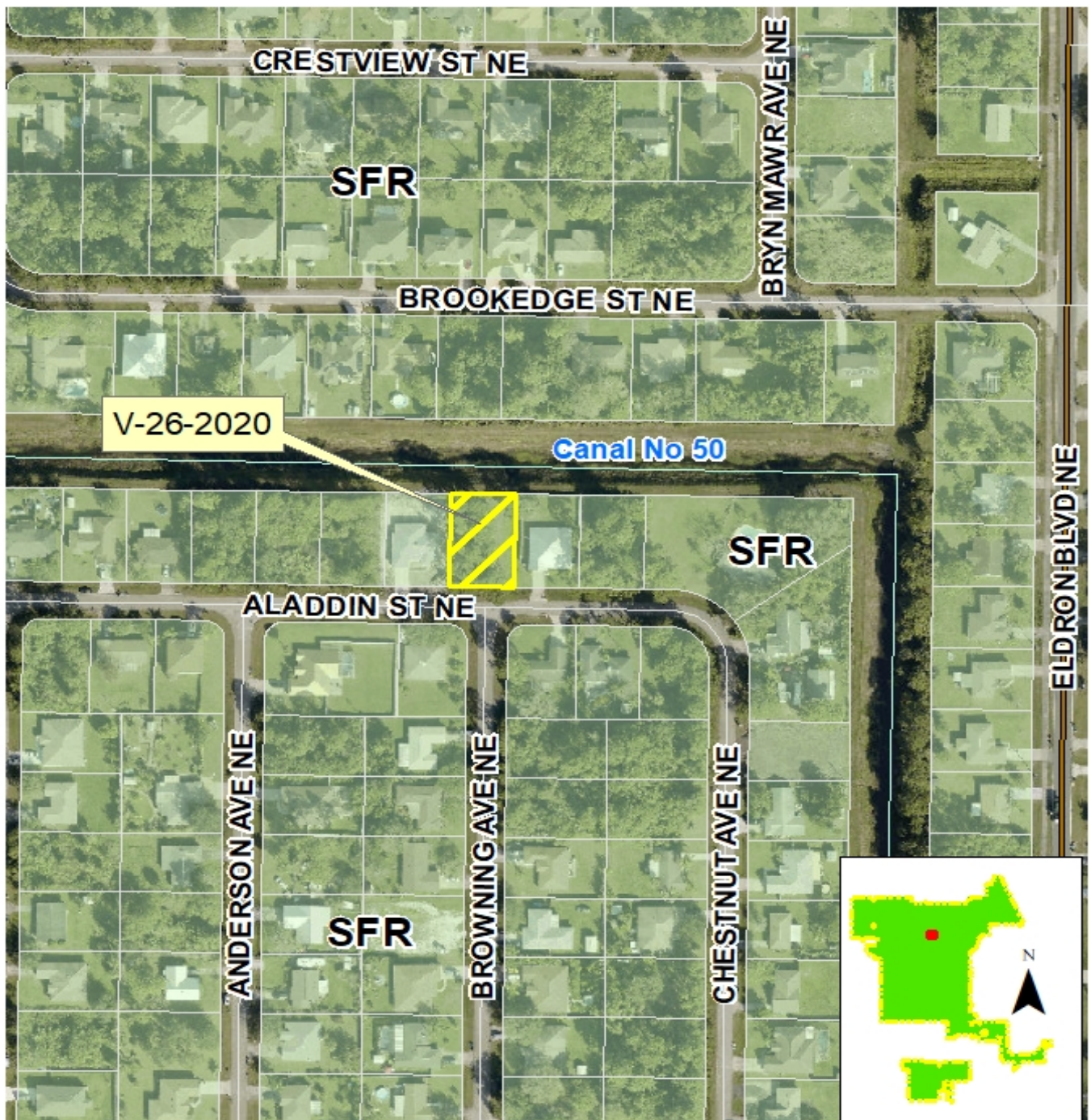
### Subject Property

North of and adjacent to Aladdin Street NE, in the vicinity north of Browning Avenue NE





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## FUTURE LAND USE MAP

## CASE V-26-2020

### Subject Property

North of and adjacent to Aladdin Street NE, in the vicinity north of Browning Avenue NE

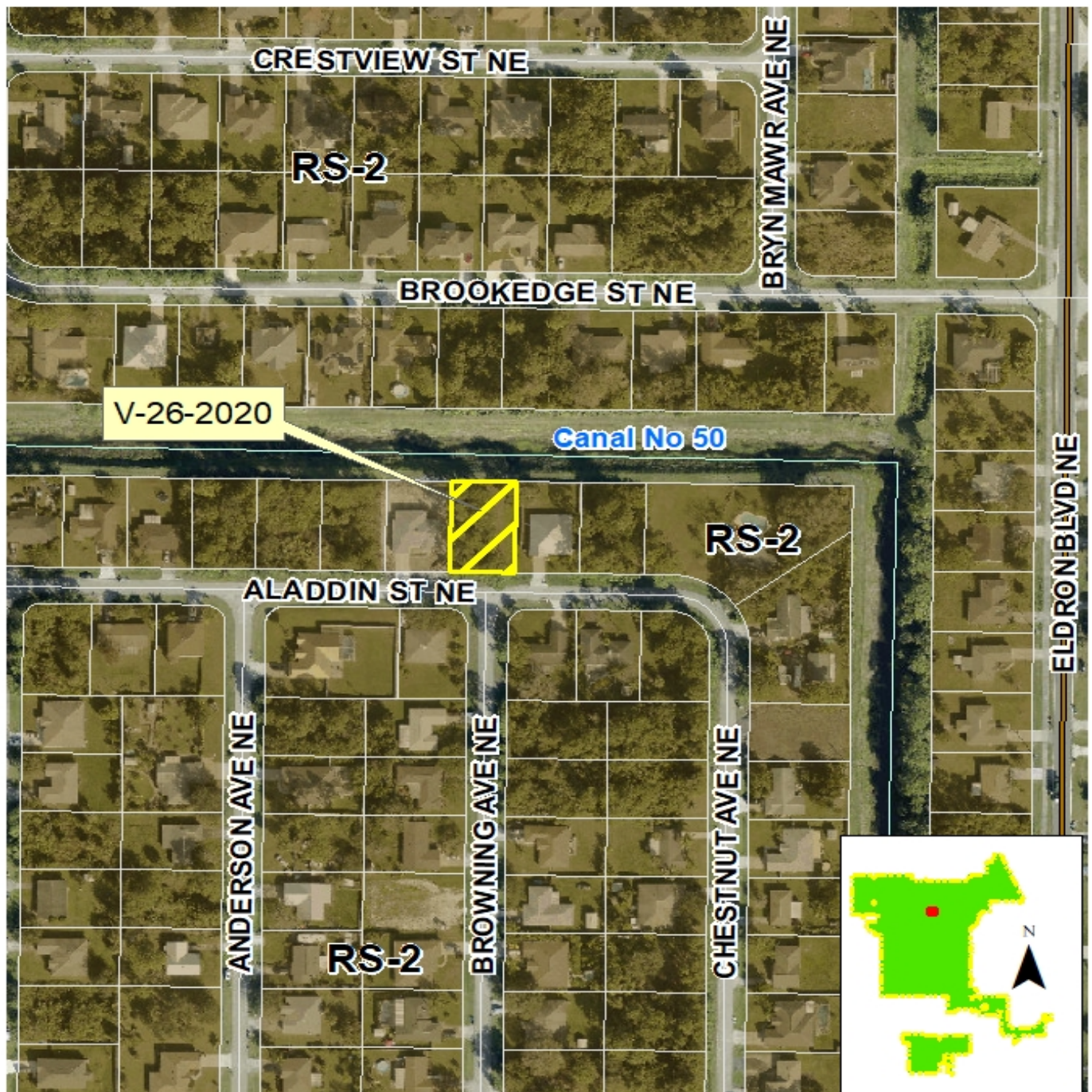
### Future Land Use Classification

SFR – Single Family Residential Use





Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



## ZONING MAP

## CASE V-26-2020

### Subject Property

North of and adjacent to Aladdin Street NE, in the vicinity north of Browning Avenue NE

### Current Zoning Classification

RS-2 – Single Family Residential District

# LEGEND

CONC	CONCRETE	CMP	CORRUGATED METAL PIPE
C/L	CENTERLINE	ACOMP	ASPHALT COATED CORRUGATED METAL PIPE
FB	PLAT BOOK	NGVD	NATIONAL GEODETIC VERTICAL DATUM OF 1929
EOP	EDGE OF PAVEMENT	PUDE	PUBLIC UTILITIES & DRAINAGE EASEMENT
ORB	OFFICIAL RECORD BOOK	NAVD	NORTH AMERICAN VERTICAL DATUM OF 1988
PC	FACE	-XXXX	INDICATES PROPOSED GRADE (BY CLIENT)
WM	WATER METER	PLS	PROFESSIONAL LAND SURVEYOR
SS	SANITARY SEWER	PSM	PROFESSIONAL SURVEYOR & MAPPER
UB	UTILITY BOX	EL	ELEVATION
LP	LIGHT POLE	BM	BENCH MARK
S/W	SIDEWALK	CB	CONCRETE BLOCK
R/W	RIGHT OF WAY	CM	CONCRETE MONUMENT
QD	POWER POLE	FF	FINISH FLOOR
-OH-	OVERHEAD WIRES	LBS	LICENSED BUSINESS
O	CORNER MARKER RECOVERED	RGE	RANGE
PCP	CORNER MARKER SET	SEC	SECTION
PC	PERMANENT CONTROL POINT	TWP	TOWNSHIP
PT	POINT OF CURVE	COV	COVERED
PRC	POINT OF TANGENCY	INT	INTERSECTION
PCC	POINT OF REVERSE CURVE	AVE	AVENUE
P	POINT OF COMPOUND CURVE	BLVD	BOULEVARD
CT	POINT OF INTERSECTION	COURT	COURT
PL	INDICATES RECORD DATA	PL	PLACE
ST	INDICATES GROUND ELEVATION	ST	STREET
SQ	INDICATES SURFACE WATER FLOW	SQ	SQUARE
TERR	INDICATES NAIL OR NAIL AND DISK	TERR	TERRACE
A/C	WELL	A/C	AIR CONDITIONER
N/D		N/D	NAIL AND DISK

PROJECT REFERENCE BENCHMARK  
CITY OF PALM BAY CONTROL  
(PALM BAY CONTROL POINT)  
07-031 EL=26.917 NGVD29

JOB No.PMU 18 0208

MELBOURNE TILLMAN DRAINAGE DISTRICT CANAL NO.50

## NOTES:

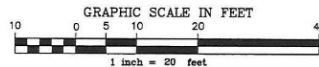
1. THE LANDS SURVEYED LIE WITHIN FLOOD ZONE X, PER FLOOD INSURANCE RATE MAP NO. 12009C, COMMUNITY 120404, PANEL 0595G, DATED MARCH 17, 2014. THIS LOCATION IS BASED ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. FINAL LOCATION AND FLOOD ZONE DETERMINATION REST WITH SAID AGENCY. THIS SURVEYOR ASSUMES NO RESPONSIBILITY FOR SAID LOCATION AND DETERMINATION.
2. THERE MAY OR MAY NOT BE RECORDED OR UNRECORDED RIGHTS OF WAY RESERVATIONS OR RESTRICTIONS AFFECTING THE LANDS SURVEYED.
3. UNLESS SHOWN OTHERWISE, THERE ARE NO ENCROACHMENTS, GAPS OR OVERLAPS. FENCE OWNERSHIP, IF ANY IS NOT KNOWN, FOUNDATIONS BENEATH THE SURFACE ARE NOT LOCATED.
4. UNLESS SHOWN OTHERWISE, DIMENSIONS AND DIRECTIONS SHOWN ARE FIELD MEASURED AND ARE THE SAME AS RECORD DATA.
5. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
6. THIS SURVEY WAS MADE FOR THE PURPOSE DESCRIBED, AND SHALL BE USED FOR NO OTHER PURPOSE WHATSOEVER. "THE SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER", EXCEPT THOSE WITH ELECTRONIC SIGNATURE AND ELECTRONIC SEAL.
7. BEARINGS REFER TO THE LINE INDICATED BASED ON RECORD INFORMATION OBTAINED FROM PLAT OR DEED.
8. ELEVATIONS INDICATED HEREON ARE IN FEET AND DECIMALS, BASED ON THE PROJECT BENCHMARK DATUM AS SHOWN. PROJECT BENCHMARK ELEVATIONS ESTABLISHED BASED ON A LEVEL LOOP BENCH RUN REFERENCED TO DESCRIBED CONTROL MONUMENT.
9. THIS SURVEY WAS PREPARED FROM THE AVAILABLE DATA BASED ON THE DESCRIPTION PROVIDED BY THE CLIENT. THE UNDERSIGNED SURVEYOR DID NOT CONDUCT A TITLE SEARCH AND DID NOT RECEIVE ATTORNEY'S TITLE OPINION, UNLESS OTHERWISE NOTED HEREON. LANDS DESCRIBED AND GRAPHICALLY SHOWN ON THIS SURVEY WERE NOT ABSTRACTED FOR ANY ENCUMBRANCES WHATSOEVER. SURVEY AND DRAWING IS THE PROFESSIONAL STATEMENT OF THE SIGNING SURVEYOR, BASED ON FIELD AND DOCUMENTARY EVIDENCE.
10. THIS SURVEY AND DRAWING IS MADE TO COMPLY WITH THE STATE OF FLORIDA "STANDARDS OF PRACTICE, PER CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE".

## DESCRIPTION

THIS SURVEY IS CERTIFIED TO  
AND SPECIFICALLY MADE FOR  
PALLADIO DEVELOPMENT, LLC

LOT 18, BLOCK 208, PORT MALABAR  
UNIT SEVEN, ACCORDING TO THE  
PLAT THEREOF, RECORDED IN PLAT  
BOOK 14, PAGES 125 THROUGH 135.  
INCLUSIVE, OF THE PUBLIC RECORDS  
OF BREVARD COUNTY, FLORIDA.

DATE OF FIELD SURVEY: MAY 6, 2020



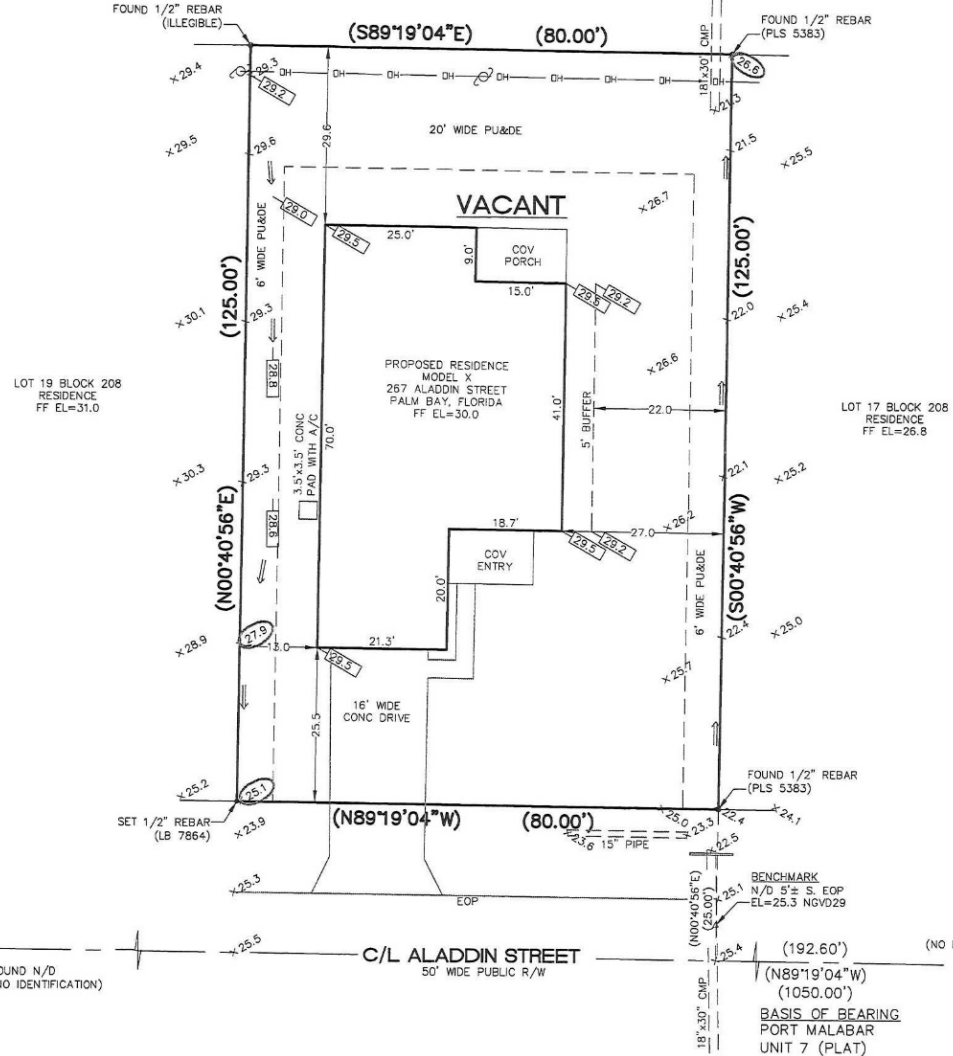
JON E. BRUNNER, FLORIDA PSM 6431  
STATE OF FLORIDA

**BRUNNER  
HAGEN**

801 Carolin Street Melbourne, FL 32901  
phone (321)728-1961 fax (321) 779-8607  
info@brunner-hagen.com  
LAND SURVEYORS LB No. 7864  
CONSULTING ENGINEERS CA No. 29254

MAP OF BOUNDARY/TOPOGRAPHIC SURVEY FOR  
**PALLADIO DEVELOPMENT, LLC**

PROJECT NO:  
373-20  
SEC. 32  
TWP. 28 S.  
RNG. 37 E.







**LAND DEVELOPMENT DIVISION**

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: (321) 733-3042  
Landdevelopment@palmbayflorida.org

**VARIANCE APPLICATION**

This application must be deemed complete and legible, and must be returned by the first day of the month during division office hours, with all enclosures referred to herein, to the Land Development Division, Palm Bay, Florida, to be processed for consideration the following month at the earliest by the Planning and Zoning Board. The application will then be referred by the Planning and Zoning Board for study and recommendation to the City Council. You or your representative are required to attend the meeting(s) and will be notified by mail of the date and time of the meeting(s). The Planning and Zoning Board holds their regular meeting the first Wednesday of every month at 7:00 p.m. in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, unless otherwise stated.

**PARCEL ID** 28-37-31-FR-208-18

**TAX ACCOUNT NUMBER** 2840335

**LEGAL DESCRIPTION OF THE PROPERTY COVERED BY THIS APPLICATION:**

Lot 18 Block 208 Port Malabar Unit Seven Plat Book 14 Page 126

**STREET ADDRESS OF PROPERTY COVERED BY APPLICATION:**

267 Aladdin Street, NE

**SIZE OF AREA COVERED BY THIS APPLICATION (calculate acreage):** 0.23

**EXISTING ZONING CLASSIFICATION OF PROPERTY (ex.: RS-2, CC, etc.)** RS-2

**ARE THERE ANY STRUCTURES ON THE PROPERTY NOW?** ☐ YES ☒ NO

**HAS A VARIANCE APPLICATION PREVIOUSLY BEEN FILED FOR THIS PROPERTY?**  
☐ YES ☒ NO

**IF SO, STATE THE NATURE OF THE PREVIOUS APPLICATION, WHETHER THE REQUEST WAS APPROVED OR DENIED, AND DATE OF ACTION:**

**DESCRIBE THE EXTENT OF THE VARIANCE REQUESTED AND THE INTENDED USE OF THE PROPERTY IF THE VARIANCE IS GRANTED (SPECIFY NUMBER OF INCHES/FEET ENCROACHING INTO SPECIFIC REQUIRED YARD SETBACK OR HEIGHT RESTRICTIONS):**

Finish floor to be 3.2 feet above Lot 17, Block 208, exceeding city ordinance by 2.2 feet.

**CITE THE APPLICABLE SECTION(S) OF THE ZONING ORDINANCE AND ITS REQUIREMENT FROM WHICH VARIANCE IS REQUESTED (ex.: 185.034(f)(7)):**

174.073 (3)

**GIVE WRITTEN EXPLANATION(S) DEMONSTRATING HOW THE VARIANCE MEETS THE FOLLOWING CONDITIONS PER SECTION 169.009:**

- (a) That special conditions and circumstances exist which are peculiar to the land, structures or buildings involved and which are not applicable to other lands, structures or buildings in the same land use category, zoning district, or situation.
- (b) That special conditions and circumstances referred to above do not result from the actions of the applicant.
- (c) That literal interpretation and enforcement of the development code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same land use category, zoning district, or situation under the terms of the development code, and would work unnecessary and undue hardship on the applicant.
- (d) That if granted, the variance is the minimum variance necessary to make possible the reasonable use of the land, building or structure.
- (e) That granting the variance requested will not confer on the applicant any special privilege that is denied by the development code to other lands, buildings, or structures in the same land use category, zoning district, or situation.
- (f) That granting the requested variance will be in harmony with the general intent and purpose of this code and will not be injurious to the surrounding properties or detrimental to the public welfare.

The subject parcel is deemed unbuildable under the ordinance as written due to the excessive difference in the adjoining properties finish floor elevations.

**EVIDENCE MUST BE PROVIDED TO CONSIDER VARIANCES BASED ON THE FOLLOWING CLAIMS:**

- ☐ **BERT J. HARRIS PRIVATE PROPERTY RIGHTS PROTECTION ACT**, Chapter 95-181, Laws of Florida. Provide a copy of one of the following:
- ☐ Special master appointed in accordance with the act.
  - ☐ Court order as described in the act.
- ☐ **AMERICANS WITH DISABILITIES ACT**. Cite the section of the act from which the variance request will provide relief: \_\_\_\_\_

**THE FOLLOWING PROCEDURES AND ENCLOSURES ARE REQUIRED TO COMPLETE THIS APPLICATION:**

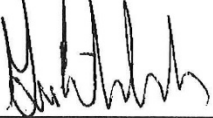
- ☒ \*\$350.00 Application Fee. Make Check payable to "City of Palm Bay."
- ☐ List of legal descriptions of all properties within a 500-foot radius of the boundaries of the property covered by this application, together with the names and mailing addresses (including zip codes) of all respective property owners within the above referenced area. (This should be obtained for a fee from the Brevard County Planning and Zoning Department at (321) 633-2060.)
- ☐ A site plan drawn to scale which shows all property and yard dimensions, its structures (if any) and the variance desired, including abutting highway or road boundaries. The site plan shall also be provided on Memory Drive.
- ☐ Site plan data may be shown on a copy of the survey and must also be provided on Memory Drive.
- ☐ A survey prepared by a registered surveyor showing all property lines and structures. The survey shall also be provided on Memory Drive.
- ☐ Sign(s) posted on the subject property. Refer to Section 51.07(C) of the Legislative Code for guideline.
- ☐ **Where the property owner is not the representative for the request**, a LETTER must be attached giving the notarized consent of the property owner(s) to a representative.

**Name of Representative** Katja Jones

**CITY OF PALM BAY, FLORIDA  
VARIANCE APPLICATION  
PAGE 4 OF 4**

I, the undersigned understand that this application must be complete and accurate before consideration by the Planning and Zoning Board/Local Planning Agency and certify that all the answers to the questions in said application, and all data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief.

**Under penalties of perjury, I declare that I have read the foregoing Variance application and that the facts stated in it are true.**

**Owner Signature**  **Date** 9/15/2020

**Printed Name** Giro Katsimbrakis

**Full Address** 18021 sky park circle suite A, Irvine, Ca 92614

**Telephone** 949-379-8094 **Email** giro@palladiodevelopment.com

**\*NOTE: APPLICATION FEE IS NON-REFUNDABLE UPON PAYMENT TO THE CITY**



September 18, 2020

Re: Letter of Authorization

**As the property owner of the site legally described as:**

PORT MALABAR UNIT 7 LOT 18 BLOCK 208, 267 ALLADDIN STREET NE, PALM BAY,  
FLORIDA 32907

I, Owner Name: PALLADIO DEVELOPMENT LLC

Address: 18021 SKY PARK CIRCLE, SUITE A, IRVINE, CA 92614

Telephone: 949-379-8094

Email: GIRO@PALLADIODEVELOPMENT.COM

**hereby authorize:**

Representative: KATJA JONES

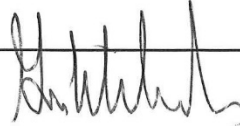
Address: 851 VANTAGE STREET SE, PALM BAY, FLORIDA 32909

Telephone: 321-427-8642

Email: KATJA.J@PALLADIODEVELOPMENT.COM

**to represent the request(s) for:**

VARIANCE



(Property Owner Signature)

STATE OF California

COUNTY OF Orange

The foregoing instrument was acknowledged before me by means of ☐ physical  
presence or ☐ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by  
\_\_\_\_\_, property owner.



, Notary Public

☐ Personally Known or ☐ Produced the Following Type of Identification:

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange

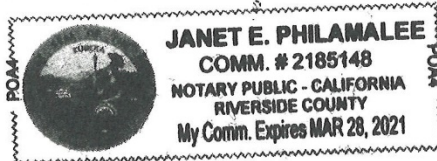
On 9/18/2020 before me, Janet E. Philamalee, Notary Public  
(insert name and title of the officer)

personally appeared Gino G. Katsimbrakis  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Janet E. Philamalee (Seal)



**2020 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT**

DOCUMENT# L14000094044

**Entity Name:** PALLADIO DEVELOPMENT LLC

**Current Principal Place of Business:**

18021 SKY PARK CIRCLE  
SUITE A  
IRVINE, CA 92614

**Current Mailing Address:**

18021 SKY PARK CIRCLE  
SUITE A  
IRVINE, CA 92614 US

**FEI Number:** 35-2510057

**Certificate of Status Desired:** Yes

**Name and Address of Current Registered Agent:**

LEGALINC CORPORATE SERVICES, INC.  
5237 SUMMERLIN COMMONS  
SUITE 400  
FORT MYERS, FL 33907 US

*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.*

**SIGNATURE:**

Electronic Signature of Registered Agent

Date

**Authorized Person(s) Detail :**

Title MANAGER  
Name ZHAO, YINAN  
Address 18021 SKY PARK CIRCLE  
SUITE A  
City-State-Zip: IRVINE CA 92614

Title MANAGER  
Name KATSIMBRAKIS, GIRO G  
Address 18021 SKY PARK CIRCLE  
SUITE A  
City-State-Zip: IRVINE CA 92614

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

**SIGNATURE:** GIRO KATSIMBRAKIS

**MANAGER**

**01/06/2020**

Electronic Signature of Signing Authorized Person(s) Detail

Date

**CASE V-26-2020**

**CORRESPONDENCE**

**Chandra Powell**

---

**From:** Stephen Stomber <sjstomber49@gmail.com>  
**Sent:** Monday, October 26, 2020 11:26 AM  
**To:** Chandra Powell  
**Subject:** RE: Case V-26-2020  
**Attachments:** 89F7FD6C-C1DB-4965-82C8-A613C54DC545.JPG

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

TO: Planning & Zoning Board/Local Planning Agency  
City Council  
City of Palm Bay, Florida

I reside within 500 feet of the proposed variance at 259 Aladdin St., NE, Palm Bay, Florida (Lot 19, Block 208). My property is the adjacent property on the west side of Lot 18 Block 208.

The requested variance by Palladio Development asks to exceed the allowable finished floor elevation by a maximum of 2.2 feet. My understanding is that home construction must be 5 feet above the center of the road for flood purposes. If the builder requests an additional 2.2 ft, then the finish floor elevation would be 7.2 feet above the centerline of the road.

If this understanding is correct I strenuously object and request variance be refused. At 5 feet above the center of the road the swales cut deeply during rains. See the enclosed picture. If the Palladio Development property is 2.2 feet higher in finished floor elevation, the water run off will be worse causing even more erosion.

Sincerely

Stephen J. Stomber







**Chandra Powell**

---

**From:** Stephen Stomber <sjstomber49@gmail.com>  
**Sent:** Monday, October 26, 2020 1:33 PM  
**To:** Chandra Powell  
**Subject:** Re: Case V-26-2020

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Powell

Two more points. Pools in Palm Bay must be surrounded by a fence for protection of others. The benefits of a 6 ft privacy fence as to pool protection and simply family privacy are lost if the adjacent property is 7.2 feet higher elevation wise.

Sincerely

Stephen Stomber

On Mon, Oct 26, 2020 at 11:30 AM Chandra Powell <[Chandra.Powell@palmbayflorida.org](mailto:Chandra.Powell@palmbayflorida.org)> wrote:

Mr. Stomber,

Thank you for your comments, they will be provided to the Board and Council.

*Chandra Powell*

City of Palm Bay

Land Development Division

**120 Malabar Road SE**

**Palm Bay, FL 32907**

(321) 733-3041

**From:** Stephen Stomber <[sjstomber49@gmail.com](mailto:sjstomber49@gmail.com)>  
**Sent:** Monday, October 26, 2020 11:26 AM  
**To:** Chandra Powell <[Chandra.Powell@palmbayflorida.org](mailto:Chandra.Powell@palmbayflorida.org)>  
**Subject:** RE: Case V-26-2020

## Chandra Powell

---

**From:** Rosemarie Saavedra  
**Sent:** Wednesday, October 28, 2020 8:39 AM  
**To:** Laurence Bradley; Terese Jones; Terri Lefler; Suzanne Sherman  
**Cc:** Chandra Powell; Angela Burak; Meeshalle Sorenson  
**Subject:** FW: Request to Deny Case V-26-2020

Good morning,  
The email below was sent to Council yesterday.  
They may have already reached out to you.

Thanks.

*Rosemarie*



*Down to Earth and Up to Great Things™*



Rosemarie Saavedra  
Administrative Assistant

321.952.3414 or ext. 3414

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**From:** Stephen Stomber <sjstomber49@gmail.com>  
**Sent:** Tuesday, October 27, 2020 5:04 PM  
**To:** City Council <CityCouncil@palmbayflorida.org>  
**Subject:** Request to Deny Case V-26-2020

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I reside on Lot 18 Block 208. The adjacent lot 19 Block 208 requests a variance to exceed allowable finished floor elevation by 2.2 ft. The current regulatory framework states finished floor elevations to be 5 ft above center of the road. My house on Lot 18 is 5 ft above road center.

If Variance is granted house on Lot 19 be 7 ft 2 in above road center. I object. There is no rationale reason Palladio Development to construct their model "Millennial 1" 4 bedroom home totaling 2834 square ft at 7 ft rather than 5 ft above road center line. The rain runoff from different soil elevations will cause more soil erosion.

My VA home has a privacy fence. What good is a privacy fence, where is the privacy if the house next door is on a 2 ft higher elevation. Likewise what good is a privacy fence to protect a swimming pool if the height of a pool fence is relegated from 6 ft to 4 ft due to a 7 ft floor elevation.

There is no reason why the builders can't squeeze their model home on Lot 19 with the standard 5 ft above road centerline. I don't mind having neighbors but I would expect privacy with my new VA home in Palm Bay.

Sincerely

Stephen J Stomber, Col, USA, Ret.



**CASE V-26-2020**

**CORRESPONDENCE**

Received after Planning and Zoning Board Packet was published

## Chandra Powell

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**From:** sean hartley <seanhartley@outlook.com>  
**Sent:** Monday, November 2, 2020 8:54 PM  
**To:** Chandra Powell  
**Subject:** Case V-26-2020

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello

I own property (283 Aladdin St NE) within 500 ft of the proposed variance @ 259 Aladdin St NE. I do think allowing the elevation to be up to 2.2 feet higher than other new construction homes in the area benefits anyone. I believe this will cause questions regarding the area and sale-ability of existing homes in the area. This could negatively affect property values as buyers will think the area is high risk for flooding. I also believe that height will allow people in the surrounding homes to lose their privacy. Please do not allow this variance! **Please not that I am a real estate agent and I have seen these issues first hand.** I had a listing at 426 Harrisburg SW that had at least 10 people walk away from purchasing the property SOLELY on the fact the house next door is so much higher than surrounding homes and their entire yard was 2 feet higher than the house I had for sale, people were extremely concerned about flooding and was unable to ease their fears. This has caused about a 20% reduction in value to my clients home. If you have any questions or would like to discuss further, please contact me.

***Thank you and have a blessed day!***

Cyber criminals are targeting home buyers and sellers nationwide.

Prior to wiring any money, you should always verbally contact your real estate broker and title agent to confirm that the wiring information is accurate. Do not rely on telephone numbers or website addresses provided within an unverified email.



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The highest compliment my clients can give me is to recommend me to a friend. I truly appreciate your referrals!

The Four Agreements for Life (Don Miguel Ruiz with Janet Mills)

- Agreement 1: Be Impeccable With Your Word.
- Agreement 2: Don't Take Anything Personally.
- Agreement 3: Don't Make Assumptions.
- Agreement 4: Always Do Your Best.

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The greatest threat to the environment is waiting for someone else to save it.

**Chandra Powell**

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**From:** shiv singh <shiv101singh@hotmail.com>  
**Sent:** Tuesday, November 3, 2020 5:09 PM  
**To:** Chandra Powell  
**Subject:** Increase of land elevation

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Powell,

Good Morning!

I hope my e-mail finds you well...

I own property (290 Aladdin St NE) approximately 500 ft of the proposed variance at 259 Aladdin St NE. I do not think by allowing the elevation to be up to 2.2 feet higher than other new construction homes in the area benefits anyone. I believe this will cause questions regarding the area and sale-ability of existing homes in the area. This will negatively affect my property value. I also believe that height will allow people in the surrounding homes to lose their privacy. Please do not allow this variance!

If you would like to discuss this further I can be reached at 252-904-5102.

Sincerely,  
Shiv Singh