

## **BOARD OF ADJUSTMENT MINUTES**

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, June 21, 2023, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, with Vice Chair Bill Huffman presiding, to consider the requests below:

Board members present were: Kevin McCann, (D2); John Thomas (D4); and Bill Huffman, Vice Chair, (D5).

Staff members present were: Jeffrey Ball, Planning & Zoning Manager; Becky Behl-Hill, Assistant County Attorney; Paul Body, Planner III; and Jennifer Jones, Special Projects Coordinator.

Vice Chair Bill Huffman called the meeting to order at 1:30 p.m.

Paul Body explained the function of the Board of Adjustment; Kevin McCann explained the definition of an undue hardship; and Bill Huffman explained the procedures of the Board of Adjustment. All speakers were sworn in at the beginning of each item.

### **Approval of May 17, 2023, Minutes**

Motion by John Thomas, seconded by Kevin McCann, to approve the May 17, 2023, minutes. The motion passed unanimously.

### **Eric M. Raven**

A variance of Chapter 62, Article VI, Brevard County Code, Section 62-2123(a), to permit a variance of 3 feet from the required 5-ft. rear setback for a swimming pool, in an RU-1-9 (Single-Family Residential) zoning classification. The property is 0.30 acres, located on the east corner of Carmen St. and Angeles Rd. (96 Carmen St., Melbourne Beach) (23V00005) (Tax Account 2955931) (District 3)

Michael Fitzgerald, 110 Casseekee Trail, Melbourne Beach, representing the applicant, stated Mr. Raven hired a pool contractor to draw plans for a swimming pool, but the plans showed the pool 3 feet from the property line. The County denied the permit because the setback is 5 feet, not 3 feet. He explained the lot is triangular, and when the pool contractor re-draw the plans with the pool at a 5-foot setback, Mr. Raven realized it would not be reasonable to have a pool with a 5-foot setback because of the shape of the lot.

Eric Raven, 96 Carmen Street, Melbourne Beach, stated there are utility easements all around the front of his property because it is a corner lot.

Bill Huffman asked if Mr. Raven has anything in writing from the neighbor on the other side of the fence, that they support the variance request. Mr. Raven replied no, but he can talk to them.

Kevin McCann stated it was mentioned that if the variance is not approved, Mr. Raven would not have a pool installed. Mr. Raven replied no, because it is a narrow area and if he has to stay within the setbacks it would be a very small pool.

John Thomas asked the type of fence around the lot. Mr. Raven replied it is a 6-foot wooden privacy fence.

No public comment.

Motion by Kevin McCann, seconded by John Thomas, to approve the variance as depicted on the survey provided by the applicant.

Bill Huffman read aloud the six criteria for a hardship and explained the justifications for approving the variance.

Bill Huffman called for a vote on the motion as stated, and it passed unanimously.

**Broderick E. Bolton**

Variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1932(a)(6), to permit a variance of 1.75 ft. from the required 10-ft. side (south) setback for a guesthouse; 2.) Section 62-1340(5)(b), to permit a variance of 0.66 ft. from the required 7.5-ft. side (south) setback for an accessory structure; 3.) Section 62-1340(5)(b), to permit a variance of 0.15 ft. from the required 5-ft. separation distance for an accessory structure, in an RU-1-11 (Single-Family Residential) zoning classification. The property is 1.14 acres, located on the west side of Newfound Harbor Dr., approx. 140 ft. north of Harbor Pines Dr. (915 Newfound Harbor Dr., Merritt Island) (23V00014) (Tax Account 2514500) (District 2)

Paul Body explained the property has recently been sold and tabling the request will give the new owner time to apply for the variance under the new name.

Motion by John Thomas, seconded by Kevin McCann, to table the request to the 08/16/23 meeting. The motion passed unanimously.

**Vivian Wasef (Kim Rezanka)**

A variance of Chapter 62, Article VI, Brevard County Code, Section 62-1406(6)(a), to permit a variance of 0.82-acre from the required 5-acre minimum parcel size in an RVP (Recreational Vehicle Park) zoning classification, currently zoned TR-3 (Mobile Home Park). The property is 4.18 acres, located on the east side of Imperial St., approx. 227 ft. south of Fortenberry Rd. (250 Imperial St., Merritt Island) (23V00016) (Tax Account 2426831) (District 2)

Motion by John Thomas, seconded by Kevin McCann, to table the request to the 07/19/23 meeting at the request of the Merritt Island Redevelopment Agency. The motion passed unanimously.

**Marilyn L. and Ronald W. Wetmore, Trustees**

A variance of Chapter 62, Article VI, Brevard County Code, Section 62-1334(5)(a), to permit a variance of 3.7 ft. from the required 15-ft. side (north) setback for an accessory structure, in an AU (Agricultural Residential) zoning classification. The property is 2.32 acres, located on the northwest corner of N. Tropical Trail and Church Rd. (5565 N. Tropical Trail, Merritt Island) (23V00017) Tax Account 2317058) (District 2)

Ronald Wetmore, 5565 N. Tropical Trail, Merritt Island, stated when he submitted a survey to Planning and Development to build an additional accessory structure, it was brought to his attention that there was an issue with the existing accessory building, which is the reason for the request.

Kevin McCann asked the type of structure the variance is for. Mr. Wetmore replied it is an accessory building used to store equipment. Mr. McCann asked if the building existed before he purchased the

property. Mr. Wetmore replied when he purchased the property there was a shed. In 1991 when the addition was built, he had a contractor re-build the shed within the same slab and footprint.

No public comment.

Motion by Kevin McCann, seconded by John Thomas, to approve the variance as depicted on the survey provided by the applicant.

Bill Huffman read aloud the six criteria for a hardship and explained the justifications for approving the variance.

Bill Huffman called for a vote on the motion as stated, and it passed unanimously.

**Frontier Osceola, LLC** (Angela Kopnicky)

Variances of Chapter 62, Article IX, Brevard County Code, as follows: 1.) Section 62-3316(c)(2), to permit a variance of 22 sq. ft. over the 20 sq. ft. permitted for a wall sign (Unit 109, 11,913 sq. ft.); 2.) Section 62-3316(c)(2), to permit a variance of 110.19 sq. ft. over the 209 sq. ft. permitted for total sign surface sq. ft. for a structure (entire 1.55 acres), in a BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classification. The property is 11,913 sq. ft. = Variance No. 1; and 1.55 acres = Variance No. 2, located on the northeast corner of S.R. 520 and N. Sykes Creek Pkwy. (800 E. Merritt Island Cswy., Merritt Island) (23V00018) (Tax Account 2427799) (District 2)

No public comment.

Motion by John Thomas, seconded by Kevin McCann, to table the request to the 07/19/23 meeting. The motion passed unanimously.

**JPJR Holdings, LLC** (Shannon Parker)

Variances of Chapter 62, Article IX, Brevard County Code, as follows: 1.) Section 62-3316(b)(4), to permit a variance of 8.3 ft. from the required 15-ft. front setback for a freestanding sign; 2.) Section 62-3316(b)(4), to permit a variance of 4 ft. from the from the 8 ft. clearance height for a sign located closer than 25 ft. to the intersection of a driveway, in an IU (Light Industrial) zoning classification. The property is 0.88 acres, located on the west side of Industry Dr., approx. 750 ft. south of Business Center Blvd. (5060 Industry Dr., Melbourne) (23V00020) (Tax Account 2609922) (District 4)

Shannon Parker, 16 Adams Court, Satellite Beach, representing the applicant, stated Industry Drive is a dead-end street, and the subject property is the second to last building on the street. She said the street is in the middle, then there is a 25-foot ditch, then their parking lot, and then the building. She stated in speaking with staff, it was her understanding that the right-of-way is actually at the curb, so the right-of-way is taking up the 25-foot ditch before the street. The property has a parking lot and a median that was originally built when the parking lot was paved; however, the code has changed since then, and her clients are requesting a variance to be able to install a sign in the median. The base of the sign will be 4 feet as opposed to 8 feet.

John Thomas asked if there is any objection from the neighbor to the south. Ms. Parker replied no, o, the owners of the subject property also own the property to the south.

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Bill Huffman asked if the owner wants the sign to be closer to the edge of the property line. Ms. Parker replied yes.

Mr. Thomas asked if there is room for a sign on the property to the south, if the subject property is granted a variance for a sign. Ms. Parker replied yes, there is room for a sign on the property to the south.

No public comment.

Motion by John Thomas, seconded by Kevin McCann, to approve the request as depicted on the plans provided by the applicant.

Bill Huffman read aloud the six criteria for a hardship and explained the justifications for approving the variance.

Bill Huffman called for a vote on the motion as stated, and it passed unanimously

Upon consensus, the meeting adjourned at 2:06 p.m.