

BOARD OF ADJUSTMENT MINUTES

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, February 21, 2024, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, with Chair Dale Rhodes presiding, to consider the requests below:

Board members present were: Chelsea Partridge (D1 Alt.); Kevin McCann, Chair (D2); Dr. Joanna Bass (D4 Alt.); and Bill Huffman, Vice Chair (D5).

Staff members present were: Becky Behl-Hill, Assistant County Attorney; Jeffrey Ball, Zoning Manager; Paul Body, Senior Planner; and Kristen Champion, Special Projects Coordinator.

Chair Kevin McCann called the meeting to order at 1:30 p.m.

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

Approval of January 17, 2024, Minutes

Motion by Bill Huffman, seconded by Chelsea Partridge, that January minutes well be approved in March Board of Adjustment meeting with February's. The motion passed unanimously.

Bradley W. and Aleta K. Sinclair (Kim Rezanka) This item was continued from the January 17, 2024, Board of Adjustment hearing. Variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-2109(c), to permit a variance of 2 ft. over the 4-ft. maximum height allowed for a fence/wall within the 20-ft. front setback; 2.) Section 62-1341(5)(a), to permit a variance of 13.7 ft. from the required 20-ft. front setback for an accessory structure; 3.) Section 62-1341(5)(b), to permit an accessory structure to be located forward of the front building line of the principal structure; 4.) Section 62-1341(5)(b), to permit an accessory structure to be located forward of the front building line of the principal structure; 5.) Section 62-1341(5)(b), to permit an accessory structure to be located forward of the front building line of the principal structure; in an RU-1-9 (Single-Family Residential) zoning classification. The property is 1 acre, located on the east side of Coquina Ridge Dr., approx. 390 ft. southeast of U.S. Highway 1. (4563 Coquina Ridge Dr., Melbourne) (23V00044) (Tax Account 2611575) (District 4)

Kim Rezanka, Lacey Lyons Rezanka, 6013 Farcenda Pl, Melbourne, stated her clients are here for five variances. She also provided an updated survey, pictures of the property, and supportive letters from neighboring property owners as part of the record. Ms. Rezanka explained that the variance requests are for her clients to legitimize existing structures that were built years ago and to make the property more secure due to numerous incidents of criminal activity over the years, even as recently as January 2024.

Dr. Bass asked for more clarification on the existing fence locations. She stated that she drove through the neighborhood and that she believes a 6-foot wall out to the property line would be an interference with line of sight.

Dr. Bass made a motion to approve variances two through five, seconded by Bill Huffman. The motion passed unanimously.

Dr. Bass made a second motion to deny variance one. The motion was not seconded.

After further explanation for Dr. Bass in regards to the proposed fence/wall height and location, Bill Huffman made a motion to approve all variance requests as depicted on the survey provided by the applicant, seconded by Chelsea Partridge.

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Kevin McCann read aloud the six criteria for a hardship and explained the justifications for approving the variance.

Kevin McCann called for a vote on the motion as stated, and it passed unanimously.

No public comment.

Jeff Haggard This item was continued from the January 17, 2024 Board of Adjustment hearing. Variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1340(5)(b), to permit a variance of 1.5 ft. from the required 7.5-ft. side (west) setback for an accessory structure; 2.) 5 ft. from the 5 ft. separation condition distance required for an accessory structure in an RU-1-13 (Single-Family Residential) zoning classification. The property is 0.29 acres, located on the northeast end of Amber Lane, approx. 285 ft. north of Lake Poinsett Road. (560 Amber Lane, Cocoa) (23V00046) (Tax Account 2408763) (District 1)

No public comment.

Chelsea Partridge made a motion to approve the variance requested as depicted on the survey provided by the applicant, seconded by Dr. Joanna Bass.

Kevin McCann read aloud the six criteria for a hardship and explained the justifications for approving the variance.

Kevin McCann called for a vote on the motion as stated, and it passed unanimously.

George R. and Kathy A. Johnson requests a variance of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1406 (7)(c), to permit a variance of 4.9 ft. from the required 10-foot side (west) setback for a principal structure in an RVP (Recreation Vehicle Park) zoning classification. The property is 0.29 acres, located on northeast end of Amber Lane, approx. 285 ft. north of Lake Poinsett Road. (560 Amber Lane, Cocoa) (Tax Account 2113201) (District 1)

Pictures were submitted of neighboring properties for public comment.

Chelsea Partridge made a motion to approve the variance requested as depicted on the survey provided by the applicant, seconded by Bill Huffman.

Kevin McCann read aloud the six criteria for a hardship and explained the justifications for approving the variance.

Kevin McCann called for a vote on the motion as stated, and it passed unanimously.

Roxy and Cheri White requests variances of Chapter 62, Article VI, Brevard County Code as follows, 1.) Section 62-2100.5(1)(b), to permit a variance of 606 sq. ft. over the permitted 3,790 sq. ft. of all detached accessory buildings exceeding the floor area of the principal structure; 2.) Section 62-1336(5)(b), to permit a variance of 3.1 ft from the required 15-foot side (south) setback for an accessory structure; 3.) Section 62-1336(5)(b), to permit a variance of 2.8 ft from the required 15-foot rear setback for an accessory structure; 4.) Section 62-2100.5(1)(d), to permit a variance of 423 square feet over the permitted 50% of living area of the principal structure size limitation for an accessory structure; 5.) Section 62-2100.5(1)(a), to permit a variance of one additional accessory structure over the permitted seven accessory structures in an RR-1 (Rural Residential) zoning classification. The property is 2.12 acres, located on the west side of Friday Road, approx. 113 ft south of Craig Rd. (1665 Friday Rd., Cocoa) (Tax Account 2406894) (District 1)

Public Comment

Bobby Diefenbaugh (3940 Shade Tree St., Cocoa) is in opposition of the variance requests. She also submitted letters of opposition from neighboring properties. The complaints were due to noise and code violations and supposedly renting out the property when it's not permitted to do so.

Linda Emerson (5015 Craig Rd. Cocoa) is in opposition of the variance requests, also due to the noise and code violations. She submitted pictures from her property as public comments for the record. She believes the White's have decreased the property values, due to the land clearing and structures they have brought on the property without permits.

Dr. Bass asked for clarification on the square footages of the variance requests. Paul Body explained that the overages being asked for are cumulative.

Chelsea Partridge made a motion to deny variances 1 and 3 as depicted on the survey, seconded by Bill Huffman.

After further clarification from staff, Chelsea Partridge moved to amend her motion and deny variances 1 and 4 as depicted on the survey provided by the applicant.

Kevin McCann noted that he would've been more inclined to approve a smaller structure, as to not interfere with the neighboring properties or even removing at least one structure but that would end up changing the calculations of application.

Chelsea Partridge made a motion to amend the first motion and recommends to deny all 5 five variance requests as depicted on the survey, seconded by Dr. Joanna Bass.

Kevin McCann read aloud the six criteria for a hardship and explained the justifications for approving the variance.

Kevin McCann called for a vote on the motion as stated, and it passed unanimously.

Joshua J. Way and Katelynd M. Willis requests variances of Chapter 62, Article VI, Brevard County Code as follows, 1.) Section 62-1334(4), to permit a variance of 1.99 acres from the 2.5 acres required for lot size; 2.) Section 62-1334(4), to permit a variance of 45 feet from the 150-foot minimum lot width required in AU (Agricultural Residential) zoning classification. The property is 0.51 acres, located on the west side of Harry T. Moore Ave., approx. 897 feet north of Guyler St. (2368 Harry T. Moore Ave., Mims) (Tax Account 2103392) (District 1)

Mr. Way stated they bought the property after relocating here with the understanding that it had Agricultural Residential zoning and was under the impression that the property met the requirements it needed to.

He has already ordered a detached metal building/garage to be able to relocate his classic car collection. If Mr. Way and his wife were forced to rezone, they would not be able to purchase a building as large as they would need without an additional variance application. Mr. Way has already placed a deposit on this building and only came to know his lot was substandard through the permitting process.

Chelsea Partridge asked about neighboring parcels that also appear to be undersized from the AU zoning requirement.

Chelsea Partridge made a motion to approve the variance requests as depicted on the survey provided by the applicant, seconded by Dr. Joanna Bass.

No public comment.

Kevin McCann read aloud the six criteria for a hardship and explained the justifications for approving the variance.

Kevin McCann called for a vote on the motion as stated, and it passed unanimously.

Upon consensus, the meeting adjourned at 3:48 p.m.