

BOARD OF ADJUSTMENT MINUTES

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, May 15, 2024, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, with Chair Bill Huffman presiding, to consider the requests below:

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

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

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

Mr. McCann made a motion to step down as Chairperson and nominate Bill Huffman as chair. The motion was seconded by Dr. Joanna Bass and passed unanimously.

Bill Huffman made a motion to nominate Sonya Mallard as Vice-Chair. The motion was seconded by Kevin McCann and passed unanimously.

Paul Body explained the function of the Board of Adjustment; Sonya Mallard 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 April 17, 2024, Minutes

Motion by Kevin McCann to approve minutes with the correction of Vice-Chair Bill Huffman presiding over the April 17, 2024 meeting, seconded by Sonya Mallard. The motion passed unanimously.

Daniel Fluett & Eileen Smith Variance of Chapter 62, Article VI, Brevard County Code, Section 62-1404(7), to permit a variance of 5 ft. from the required 10-ft. minimum separation distance required between structures in a TR-3 (Mobile Home Park) zoning classification. The property is 0.02 acres, located on the south side of Peace Lane. (405 Peace Lane, Melbourne Beach) (24V00010) (Tax Account 2848690) (District 3)

Jeffrey Ball recommended to the Board that if they are to grant the variance, they add a condition stipulating that the applicant must move or remove the existing shed that does not meet setback requirements.

No public comment.

Sonya Mallard made a motion to approve the variance requested as depicted on the survey provided by the applicant with the stipulation that the existing shed must be removed to be in compliance with setback requirements, seconded by Kevin McCann.

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.

Dr. Bass made a motion to reopen the vote, seconded by Sonya Mallard.

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

Sonya Mallard made an amended motion to approve the variance as requested as depicted on the survey provided by the applicant with the stipulation that the existing shed must be moved to be compliant with setback requirements, seconded by Kevin McCann.

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

Gloria & Kent White Variance of Chapter 62, Article VI, Brevard County Code, Section 62-2118(d)(3), to permit a variance of 2.78 ft. over the 16-ft. maximum projection (20% of the width of the waterway) for a dock together with a moored watercraft into a canal in a PUD (Planned Unit Development) zoning classification. The property is 0.5 acres, located on the east side of Lanternback Island Dr., approx. 548 ft. north of Hawksbill Island Dr. (465 Lanternback Island Dr., Satellite Beach) (24V00011) (Tax Account 2606272) (District 4)

Public Comment:

Bruce McDonald, 64 Lanternback Island Dr., Satellite Beach, stated that he is a direct, abutting neighbor to the north of the applicant and that he is speaking against this application. That he went through the Variance Hardship Worksheet and has answered those questions in opposition of his neighbor's request.

Dr. Bass asked Bruce McDonald if he has applied for a variance and responded no, because he didn't know there was a variance procedure.

He states that he was never informed that there was a variance, that all he was told was that he had to move his boat.

Dr. Bass stated that he knows now that this is an option for him, and he can apply if he would like.

Kevin McCann stated that the applicant had been denied because of their code enforcement violation and they were asked to move their boat, but they took it a step further and applied for a variance and that's why we're here. A process that Mr. McDonald did not do but is available to you.

Kevin McCann asked Mr. McDonald if the applicant's boat engine sticking out a little further impedes the boat traffic through the canal. Mr. McDonald replied that that isn't what we're discussing now. This is about a violation.

Kevin McCann stated that this is what we're discussing at this time.

Bill Huffman told the applicant that she has a last chance for rebuttal.

Gloria White stated that this has been ongoing since 2017. That the neighbors agreed to their dock and that it was to code for the HOA and the County. That the dock passed final inspection. That we believed that we did everything as we were supposed to, so that is why we are here asking for this variance.

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

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.

William Brim (Don Human) Variance of Chapter 62, Article VI, Brevard County Code, Section 62-1401(5)(b), to permit a variance to allow an accessory structure forward of the front building line of the principal structure in an RRMH-1 (Rural Residential Mobile Home) zoning classification. The property is 1.1 acres, located on the east side of Hog Valley Rd., approx. 400 ft. north of Bluebill Rd. (4235 Hog Valley Rd., Mims) (24V00012) (Tax Account 2005095) (District 1)

No public comment.

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

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.

Vyto & Sylvia Bukausas Variances of Chapter 62, Article VI, Brevard County Code as follows, 1.) Section 62-1340(5)(b), to permit a variance of 7 ft. from the required 7.5-ft. (west) side setback for an accessory structure; 2.) Section 62-1340(5)(b), to permit a variance of 7.1 ft. from the required 7.5-ft. (east) side setback for an accessory structure; 3.) Section 62-1340(5)(b), to permit a variance to allow an accessory structure forward of the front building line of the principal structure; 4.) Section 62-1340(5)(b), to permit a variance of 6.6 ft. from the required 7.5-ft. (east) side setback for an accessory structure; 5.) Section 62-1340(5)(b), to permit a variance of 5 ft. from the 5-ft. separation distance required between accessory structures; 6.) Section 62-2118(d)(3), to permit a variance of 6.5 ft. over the 15-ft. maximum projection (20% of the width of the waterway) for a boat dock including pilings; 7.) Section 62-2118(d)(5), to permit a variance of 132.7 sq. ft. over the 500 sq. ft. maximum allowed for a roof over a boat dock; 8.) Section 62-2118(d)(5), to permit a variance of 35.6 sq. ft. over the 600-sq. ft. maximum square footage allowed for total coverage for a dock and roofed area; and 9.) Section 62-2100.5(1)(a), to permit a variance of one additional accessory structure over the permitted two accessory structures in a RU-1-13 (Single-Family Residential) zoning classification. The property is 0.24 acres, located on the south side of Shore Drive, approx. 800 ft. east of N. Banana River Dr. (1739 Shore Drive, Merritt Island) (24V00013) (Tax Account 2432646) (District 2)

No public comment.

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

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.

Rebecca Schenck Variance of Chapter 62, Article VI, Brevard County Code, Section 62-1339(5)(a), to permit a variance of 11 ft. from the 25-ft. front setback required for a principal structure in an EU (Estate Use) zoning classification. The property is 0.64 acres, located on the west side of N. Indian River Dr., at the intersection of N. Indian River Dr. and Highview Dr. (3101 N. Indian River Dr., Cocoa) (24V00014) (Tax Account 2413520) (District 2)

No public comment.

Kevin McCann made a motion to approve the variance requested as depicted on the survey provided by the applicant, seconded by Sonya Mallard.

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.

David & Robin Young Variance of Chapter 62, Article VI, Brevard County Code, Section 62-2118(d)(3), to permit a variance of 34 ft. over the 30-ft. maximum projection allotted for a boat dock, together with pilings, and moored watercraft into a manmade waterway in an EU (Estate Use) zoning classification. The property is 1 acre, located on the west side of S. Tropical Trail, approx. 141 ft. south of Greenview Rd. (1845 S. Tropical Trail, Merritt Island) (24V00016) (Tax Account 2507670) (District 2)

No public comment.

Kevin McCann made a motion to approve the variance requested as depicted on the survey provided by the applicant, seconded by Sonya Mallard.

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 3:03 p.m.