

BOARD OF ADJUSTMENT MINUTES

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, July 24, 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); Steve Holmberg (D3); Dr. Joanna Bass (D4); and Bill Huffman, Chair (D5).

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

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

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 June 19, 2024, Minutes

Motion by Sonya Mallard to approve the minutes of the June 19, 2024 meeting, seconded by Dr. Joanna Bass. The motion passed unanimously.

Boggs Family December 17, 2019, Trust (Bill & Terri Boggs) Variances of Chapter 62, Article VI, Brevard County Code, 1.) Section 62-1340(5)(a), to permit a variance of 9.5 ft. from the required 20-ft. front setback for a principal structure; and 2.) Section 62-2100.5(1)(d), to permit a variance of 980 sq. ft. over the 50% (896.5 sq. ft.) of living area allotted for an accessory structure in an RU-1-11 (Single-Family Residential) zoning classification. The property is 0.52 acres) Located on the east side of Riveredge Dr., approx. 1,200 ft. north of US Highway 1. (6705 Riveredge Dr. Titusville) (24V00025) (Tax Account 2300362) (District 1)

Motion to re-advertise by Sonya Mallard, seconded by Steve Holmberg.

Daniel Nastyn Variance of Chapter 62, Article VI, Brevard County Code, Section 62-2123(a), to permit a variance for an accessory structure (pool screened enclosure) to be located forward of the front building line of the principal structure in an SEU (Suburban Estate Use) zoning classification. The property is 01.01 acres, located on the west side of S. Carpenter Rd., approx. 0.19 miles south of Pinetop Blvd. (1220 S. Carpenter Rd., Titusville) (24V00018) (Tax Account 2202666) (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.

Britton & Kristy Sutherland Variances of Chapter 62, Article VI, Brevard County Code, Section 62-1334(5)(c)(2), to permit a variance of 8.5 ft. from the required 50-ft. side (west) setback for a barn; and 2.) Section 62-1334(5)(c)(3), to permit a variance of 6.6 ft. from the required 50-ft. rear setback for a barn in an AU (Agricultural Residential) zoning classification. The property is 2 acres, located on the south side of Avocado Ave., at the southeast corner of Avocado Ave. and Pine St. (4961 Avocado Ave., Cocoa) (24V00019) (Tax Account 2403742) (District 1)

No public comment.

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

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.

Mahasu Associates, LLC (Sam Sebaali) Variance of Chapter 62, Article VI, Brevard County Code, Section 62-1341(4), to permit a variance of 16 ft. from the required 66-ft. lot width in an RU-1-9 (Single-Family Residential) zoning classification. The property is 0.31 acres, located on the south side of Bevis Rd., approx. 370 ft. south of Lucas Rd. and 730 ft. east of N. Tropical Tr. (No address assigned.) (24V00022) (Tax Account 2419409) (District 2)

Jeffrey Ball explained to the Board that this property is undergoing a rezoning request to RU-1-9, and with that, there's a variance that is needed. What you're hearing today is related to the lot width requirement for RU-1-9, not the current property zoning of AU.

Sam Sebaali, 5127 S. Orange Ave, Orland, acknowledged that he is the authorized representative for the applicant.

Public Comment:

Peggy Townsend, 1045 Bevis Rd., Merritt Island:

Concerns:

Variance Request: The variance request affects her property, which is adjacent to the one in question. She has lived there for three years, having moved to be closer to her son.

Property Details: Initially, her home was to be 5 feet from the property line, but it was adjusted to 7-7.5 feet away. The home is currently over 12 feet from the road, with her bedroom on that side.

Slope and Drainage Issues: The adjacent property has a significant slope because it was formerly a lake. The slope is steep, and water drainage has been problematic. The property has a history of being part of the Port St. John's St. John's River Water Management District.

Impact of Development: Concerns about potential flooding due to the planned road development, which might result in a canal or ditch being close to her house. Additionally, there are concerns about increased noise from traffic, with possible hundreds of cars driving near her bedroom.

Request: Wants to see engineering drawings and plans for water drainage and noise reduction measures.

Dale Townsend, 1435 Taurus Ct., Merritt Island:

Affirmation of Concerns: They support Peggy Townsend's concerns about potential flooding and noise.

Lynell Johnson, 17 Zinc Place, Palm Coast:

Position: Against the application due to uncertainty about future development plans.

Concerns: Similar to Peggy Townsend, there is concern about the impact on future home construction and property values, although the primary concern is understanding how the development will affect the property and neighborhood.

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Clarification: Believes there will be no homes, only a road. Still, uncertain how the road might affect future plans.

After rebuttal from the applicant, Mr. Holmberg stated he wanted to table the application to give the applicant time to meet with the local residents to give them time to address the neighbor's concerns. What is the future plan, how will it affect their daily life, etc.

Steve Holmberg made a motion to continue the application for 90 days, to the October 16, 2024, meeting, seconded by Sonya Mallard.

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

Adriana Maddox Variance of Chapter 62, Article VI, Brevard County Code, Section 62-1402(5)(a), to permit a variance of 4.2 ft. from the required 7.5-ft. side (east) setback in a TR-1 (Single-Family Mobile Home) zoning classification. The property is 0.26 acres, located on the south side of 16th St., approx. one-quarter mile east of US Highway 1. (3833 16th Street, Micco) (24V00023) (Tax Account 3010688) (District 3)

No public comment.

Steve Holmberg 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.

Plumosa Investment Partners, LLC (Matthew T. Williams) Variance of Chapter 62, Article VI, Brevard County Code, Section 62-3316(b)(4), to permit a variance of 8 ft. from the required 15-ft. front setback for a freestanding sign in a BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classification. The property is 0.68 acres, located on the south side of Hwy 520 (E. Merritt Island Cswy.), approx. 400 feet east of Plumosa St. (455 E. Merritt Island Cswy., Merritt Island) (24V00024) (Tax Account 3035472) (District 2)

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.

Upon consensus, the meeting adjourned at 2:35 p.m.