

BOARD OF ADJUSTMENT MINUTES

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, June 15, 2022, 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: Bill Huffman, Chair, (D5); Jack Higgins, Vice Chair, (D1); Kevin McCann, (D2); and George Bovell, (D4).

Staff members present were: Alex Esseesse, Assistant County Attorney; Jeffrey Ball, Planning & Zoning Manager; Tania Ramos, Planner II; and Jennifer Jones, Special Projects Coordinator.

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

Tania Ramos explained the function of the Board of Adjustment; Jack Higgins explained the definition of a hardship; and Bill Huffman explained the procedures of the Board of Adjustment. All speakers were sworn in by the Chair at the beginning of each item.

Approval of April 20, 2022, Minutes

Motion by Jack Higgins, seconded by Kevin McCann, to approve the April 20, 2022, minutes. The motion passed unanimously.

1. (22V00004) Michael John Consolazio and Sonya Lynn Consolazio (Randy Lund)

A variance from Chapter 62, Article VI, Brevard County Code, Section 62-1406(7)(c)(3), to permit a variance of 6.3 feet from the required 10-ft. rear setback for an accessory structure, in an RVP (Recreational Vehicle Park) zoning classification. The property is 0.11 acres, located on the south side of Willow Lakes Lane, approx. 495 ft. east of U.S. Highway 1, Mims. (2833 Willow Lakes Lane #292, Titusville) (Tax Account 2111976) (District 1)

Randy Lund, 2852 Willow Lakes Lane, Mims, stated he is the developer of the Willow Lakes Mobile Home Park. He explained that the applicants' home missed the setbacks because the lot is the last lot in that part of the park and the golf course's No. 9 cart path had cut across the lot before development, so he moved the cart path out of the way, and now it's 15 feet from the back of the house. He said with that confusion, the property lines and setbacks were missed and he didn't catch the mistake until the final survey was done.

Jack Higgins stated he visited the property and noticed the cart path is in an egress area that cannot be used for anything, so it poses no problem to the other owners or golfers.

George Bovell asked if the home is a manufactured home. Mr. Lund replied the home is built on a foundation but is considered an accessory structure because there is always an RV parked by it, and it allows RV owners to have a full kitchen and bath.

Kevin McCann asked if the request is to legitimize the prior violation, or is the requested variance in order to put in a screen porch. Mr. Lund replied the porch already exists.

No public comment.

Motion by Jack Higgins, seconded by Kevin McCann, 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.

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

2. (22V00006) Robert J. Woodhouse

A variance from Chapter 62, Article VI, Brevard County Code, Section 62-1402(5)(a), to permit a variance of 1.7 feet from the required 25-foot front setback for a principal structure, in a TR-1 (Single-Family Mobile Home) zoning classification. The property is 0.36 acres, located at the northwest terminus of Cambridge Dr. (4919 Cambridge Dr., Mims) (Tax Account 2110465) (District 1)

Motion by Jack Higgins, seconded by Kevin McCann, to remove the item from the agenda, as recommended by staff. Upon receipt of current certified survey, the item will be re-advertised for a future meeting. The vote was unanimous.

3. (22V00007) Nicholas P. Riippa (Holly Tanner)

Variances from Chapter 62, Article VI, Brevard County Code, Section 62-1339(5)(a), to permit a variance of 10 ft. from the required 20-ft. rear setback in an EU-2 (Estate Use Residential) zoning classification. The property is 0.40 acres, located on the southwest corner of W. Coral Way and N. Riverside Dr. (327 W. Coral Way, Indialantic) (Tax Account 2716864) (District 5)

Holly Tanner, Tanner Construction, 2300 Avocado Ave., Melbourne, stated Mr. Riippa hired Tanner Construction to build a 500 square-foot addition onto his home. She said the applicant would like to add a larger family room to the rear of the home.

Bill Huffman asked what separates the applicant's home with the neighbor to the rear. Ms. Tanner replied there is a concrete wall between the two properties. Mr. Huffman asked if she has any supporting documents from that neighbor. Ms. Tanner replied no, but she sent out a notice and has not received any comments.

Kevin McCann stated on the aerial map there is a lot on the river that looks like it has an accessory structure on the property line.

Ms. Tanner stated yes, there is an accessory structure in the neighborhood that is on the property line.

No public comment.

Ms. Tanner stated she does not think the addition will be offensive to anyone, and it will improve the property.

Motion by Jack Higgins, seconded by George Bovell, to approve the variance as depicted on the survey provided by the applicant.

George Bovell stated he also observed surrounding properties having part of a home or accessory building encroaching into the setback, but on the subject property, the pool encroaches more than the proposed addition, so he doesn't have a problem with the request.

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

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

(22V00008) Jessica L. and Derrick Comparato

A variance from Chapter 62, Article VI, Brevard County Code, Section 62-2109(a), to permit a variance 2 feet over the 6-ft. height limitation for a fence in an EU (Estate Use Residential) zoning classification. The property is 0.34 acres, located on the north and west sides of Leslie Dr., approx. 90 ft. west of Linnea Rd. (1260 Leslie Dr., Merritt Island) (Tax Account 2511327) (District 2)

Derrick Comparato, 1260 Leslie Dr., Merritt Island, stated his property shares a backyard fence line with their neighbor. He noted he and his wife have two young children. [Mr. Comparato submitted documents to the board. The documents can be found in file 22V00008, located in the Planning & Development Department]. He said a few months ago they received a notice that a sex offender had moved into the house adjacent to the rear. He stated under those circumstances, they are very uncomfortable having their children play in the backyard, so they would like to extend the fence by 2 feet, to make it an 8-foot fence for privacy reasons.

Jessica Comparato, 1260 Leslie Dr., Merritt Island, stated there are at least 20 children on their street under the age of 10 years old, and with the neighbor being convicted with the charges she was convicted of, she has no idea how she is able to live where she is living. She said her children are not able to go in the backyard, and further, there are storm shutters on her children's windows because the windows face the neighbor's backyard.

Kevin McCann stated these are unfortunate circumstances that have been forced on the applicants and he empathizes with their situation. He stated he visited the property and both houses are very close to each other, separated by the 6-foot privacy fence. He said at one point, the fence has a gap between the top of the fence and the post, and the homeowners put electrical tape over the gap because it is at eye level.

No public comment.

Motion Kevin McCann, seconded by George Bovell, to approve the variance as depicted on the survey submitted by the applicant.

Mr. McCann stated he noticed several accessory structures adjacent to the subject property and the roof lines are above the existing 6-foot fence. Should the board grant the variance, it would further protect the backyard and pool area.

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

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

(22V00010) Andrew and Iryna Afong

Variance from Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1340(5)(a), to permit a variance of 7.78 ft. from the 20-ft. rear setback for a principal structure; 2.) Section 62-1340(5)(a), to permit a variance of 5.47 ft. from the 20-ft. rear setback for a principal structure; 3.) Section 62-1340(5)(b), to permit a variance of 0.7 ft. from the 7.5-ft. side (north) setback for an accessory structure; 4.) Section 62-1340(b), to permit a variance of 0.8 ft. from the 7.5-ft. side (north) setback for an accessory structure, in an RU-1-13 (Single-Family Residential) zoning classification.

The property is 0.30 acres, located on the west side of S. Tropical Trail, across from Plantation Rd. (2175 S. Tropical Trail, Merritt Island.) (Tax Account 2507778) (District 2)

Iryna Afong, 4180 Alberton Rd., St. Cloud, Florida, [Ms. Afong submitted documents to the board. The documents can be found in file 22V00010, located in the Planning & Development Department] stated variances 1 and 2 are from the rear setback for the principal structure; variances 3 and 4 are from the side setback for an accessory structure. The original house was built in 1953, and they purchased it in November 2020 and have decided to renovate it for their family. She said they were advised by their design team that if they do a remodel to improve the current conditions, it would not be violating the setbacks because it is an existing structure, but during permitting it was flagged for the setbacks. She said their intention was not to request variances; their intention was to be able to work with what they have and improve it as much as they can. She noted the property has an irregular configuration which makes it difficult to meet all of the setbacks. The proposed house is mostly within the existing house footprint, it is actually a smaller footprint and will create better conditions on the south side of the house. Currently, the house is 16.64 feet on the southeast corner, and the proposed house will be 22.34 feet. As for the existing accessory structure, their intent is to beautify the structure so that it matches the house. She noted they will also be updating the septic system with the performance based treatment system.

Kevin McCann stated he visited the property and noticed the garage structure pre-existing and close to the north property line. He asked if there will be any additional construction toward the property line after the remodel. Ms. Afong replied no.

Mr. McCann stated he noticed a short block wall that looks like it was recently constructed. Ms. Afong replied it is unfinished, but it will be a bench with a planter. Mr. McCann advised if the board approves the variance requests, they will not apply to the wall.

George Bovell stated it is his understanding is that they have a house built in 1953 and they want to improve it, and they are either staying in the footprint or decreasing the existing encroachments. He stated the proposed structure looks nice, and they have his support.

No public comment.

Motion by Kevin McCann, seconded by George Bovell, to approve the variances 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.

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

Upon consensus, the meeting adjourned at 2:18 p.m.