The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, June 20, 2018, in the Commission Chambers, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, with Chairman George Bovell presiding, to consider the following requests:

Board members present were: George Bovell, Chairman, District 4; Ronald Erickson, District 1; and Robert Dale Rhodes, District 3.

Staff members present were: Matthew Soss, Assistant County Attorney; Paul Body, Planner I; and Hazel Hernandez, Office Assistant II.

The Chairman, George Bovell, called the meeting to order at 1:30 p.m.

Paul Body explained the function of the Board of Adjustment; Ronald Erickson explained the definition of a hardship; and George Bovell explained the procedures of the Board of Adjustment.

Any documents, letters, or photos submitted to the Board of Adjustment before or during the meeting is part of the public record and can be found in the official file located in the Planning and Development Department.

MAY 16, 2018 MINUTES FOR APPROVAL

Motion by Ronald Erickson, seconded by Dale Rhodes, to approve the May 16, 2018, minutes. The motion passed unanimously.

DISTRICT 2

2. (18PZ00045) – JAMES E. AND MARILYN L. STANLEY – request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1340(5)(b), to permit a variance of 13 ft. from the required 20-ft. minimum side street setback for an accessory structure, in an RU-1-11 Zoning classification, located on the northeast corner of S. Harbor Dr. and Salmon St. (1460 S. Harbor Dr., Merritt Island.)

BOA ACTION: Rhodes/ Erickson- Approved as depicted on the survey provided by the applicant. The vote was unanimous.

Marilyn L. Stanley, 1460 S. Harbor Dr., stated it was a corner lot on Merritt Island. The current zoning requires a 20-ft setback in the front, rear, and side of the property. The 20-ft setback on the side is unique to a corner lot because it renders their side yard; it makes it sufficiently small where they cannot put an accessory building. They are requesting to reduce the side setback to that of a non-corner house, which she believes is 7 ½ feet, instead of 20 feet. That would be sufficient to be able to use the side yard for their accessory building. They have talked to most of the neighbors, and a few signed the variance request form indicating their approval, the ones that had time to do that, and the others saw the sign posted. Everyone is supportive, they had no oppositions. They also have a 6-ft perimeter fence currently around the house. The structure displayed on the survey is well inside their perimeter fence, they did not believe it would cause any obstruction.

No Public Comment.

Motion by Dale Rhodes, seconded by Ronald Erickson, to approve the variance as depicted on the survey provided by the applicant. The motion passed unanimously.
DISTRICT 4

3. (18PZ00046) – GORDON SHAYNE CAMERON – requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-2100.5(1)(d), to permit a variance of 313 sq. ft. over the 804 sq. ft. (50% of the living area of the principal structure) allowed for an accessory structure, in an RR-1 Zoning classification, located on the east side of Westland Road, approx. 155 ft. south of Smithfield Road. (3325 Westland Road, Melbourne)

BOA ACTION: Erickson/ Rhodes- Approved as depicted on the survey provided by the applicant. The vote was unanimous.

Gordon Shane Cameron, 3325 Westland Road, stated he was requesting a variance based on a detached garage that is in excess of what the County regulations require. The land is at 1.8 acres, so there was not an issue with the space but it is the square foot living foot that he had exceeded due to their residence being maybe smaller than someone else’s residence on the same property.

Mr. Bovell asked what he was going to put in the accessory building. Mr. Cameron stated he would place recreational equipment because he would like to retain the value of them by storing them in a garage. Mr. Bovell stated he noticed on the aerial view that he had some stuff around the yard and that he had a large property. Mr. Cameron stated he had a couple other sheds, so he would be eliminating that storage shed to be able to put them in one big garage. Mr. Erickson asked if he had talked to his neighbors, it looked like most the neighbors had detached garages. Mr. Cameron replied some neighbors came by to ask what the variance was for, and they were all fine with it.

No Public Comment.

Motion by Ronald Erickson, seconded by Dale Rhodes, to approve the variance as depicted on the survey provided by the applicant. The motion passed unanimously.

DISTRICT 3

4. (18PZ00048) – SUSAN M. JASINSKI – requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1342(5)(a), to permit a variance of 5 ft. from the required 20-ft. side street setback for a principal structure, in an RU-1-7 Zoning classification, located on the southwest corner of Riverview Dr., and Parker Dr. (9585 Riverview Dr., Micco)

BOA ACTION: Rhodes/ Erickson- Approved as depicted on the survey provided by the applicant. The vote was unanimous.

Susan M. Jasinski, 2220 Grand Teton Blvd., stated she bought the house on the corner and they would like to add an attached garage in the front of it, but the current house sits at 15 feet, and the required setback is 20 feet.

Mr. Rhodes stated he visited the property and her sign was visible. He thought what she was proposing will allow it to stay in continuity with the house.

No Public Comment.
Motion by Dale Rhodes, seconded by Ronald Erickson, to approve the variance as depicted on the survey provided by the applicant. The motion passed unanimously.

DISTRICT 3

5. (18PZ00049) – JEANNE PETROS – (Thanos Poulos) – requests variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-2123(a), to permit a variance to allow a swimming pool to be located forward of the front building line of the principal structure; 2.) Section 62-1341(5)(b), to permit a variance to allow an accessory structure to be located forward of the front building line of the principal structure, in an RU-1-9 Zoning classification, located on the southwest corner of Highway A1A and Sea Crest Dr. (3390 Highway A1A, Melbourne Beach)

BOA ACTION: Rhodes/ Erickson- Approved as depicted on the survey provided by the applicant. The vote was unanimous.

Thanos Poulos, 5200 Malabar Blvd., stated he was the general contractor agent for Ms. Petros. The way her house is situated on her property, visually the front of the house is actually the side of the house. She wanted to put a swimming pool in, which code requires that it normally be placed in the back of the house, but on her house the area that they can place a pool in is actually on the front of the house. This house sits not normal, so he has a copy of the septic system (placed in file) that they replaced last year. Knowing where the septic system is, the Board can see that the only place left that they can place the pool is in the front of the house as it sits on the property. The property that abuts this lady’s property to the south seems to have a pool located on the side of the house as well.

Mr. Rhodes asked if the address was A1A. Mr. Poulos stated yes. Mr. Rhodes stated that the mailbox was located on the other street. He stated he visited the property and saw the notice posted. He can see that there is no other place to put the pool in other than where they are planning to place it, and he also agreed that the abutting property has done the same thing. They have placed vegetation so that it is not visible to the road, so he did not see an issue.

No Public Comment.

Motion by Dale Rhodes, seconded by Ronald Erickson, to approve the variance as depicted on the survey provided by the applicant. The motion passed unanimously.

DISTRICT 3

6. (18PZ00053) – ROBERT DIESU – (Dwayne Dingus) – requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1405(6)(a), to permit a variance of 1.3 ft. from the required 7.5-ft. minimum side (south) setback for a principal structure, in a TRC Zoning classification, located on the easterly side of Myrtle Dr., approx. 80 ft. south of Barefoot Blvd. (1108 Myrtle Dr., Barefoot Bay)

BOA ACTION: Rhodes/ Erickson- Approved as depicted on the survey provided by the applicant. The vote was unanimous.

Dwayne Dingus, 3705 Third Avenue, stated he was the agent and contractor for Mr. Diesu. They replaced his carport and a portion of his roof after the latest hurricane, because it was destroyed.
When they replaced it they put it back as it was before. The existing walls have been in that same configuration for over 20 years, even when he purchased the property. When they were trying to get a final inspection for the carport that was built they ran into the issue with the variance.

Mr. Rhodes stated he drove by the property and saw the notice posted. He saw what he was doing and he was repairing what was already in existence, and that he was not adding anything to the footprint. He did not see a problem with the request.

No Public Comment.

Motion by Dale Rhodes, seconded by Ronald Erickson, to approve the variance as depicted on the survey provided by the applicant. The motion passed unanimously.

DISTRICT 5

1. (18PZ00044) - SANDRA L. WATERMAN, TRUSTEE – (Kurt Waterman) – requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1339(5)(a), to permit a variance of 5 ft. from the required 25-ft. minimum front setback for a principal structure in an EU Zoning classification, located on the west side of Rivershore Drive, approx. 355 feet south of Shoreview Dr. (1875 River Shore Dr., Indialantic)

BOA ACTION: Erickson/ Rhodes- Approved as depicted on the survey provided by the applicant. The vote was unanimous.

Mr. Bovell asked Paul Body to explain the variance request that was done for the same property. Mr. Body stated he believed the variance request was for the one next door to this property. It was done for the front setback for an addition similar to this request.

Andrew Waterman, 1875 River Shore Dr., stated he is looking for a 5-ft variance, it basically will be the same concept their neighbor did to the north, he had a 3 car garage and he extended it 5 feet to the front. He was also looking to do the same thing that he did. He is doing it for a couple reasons, both of his sons drive vehicles and they have been parking on the street in the cul-de-sac, and the street is very crowded, because of the cars being parked on the street there has been an accident, and for safety reasons they are looking into a side entry garage, which is what most of the neighbors have. Aesthetically it will be better, more convenient, and it will be safer. He did get a form signed by all the neighbors in the cul-de-sac approving and granting that they are ok with the variance.

Mr. Bovell stated the Board had the form with the signatures that was part of the record.

No Public Comment.

Motion by Ronald Erickson, seconded by Dale Rhodes, to approve the variance as depicted on the survey provided by the applicant. The motion passed unanimously.

Meeting Adjourned at 2:07 p.m.