The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, July 18, 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; Marcus Herman, District 2; Robert Dale Rhodes, District 3; and Dale Young, District 5.

Staff members present were: Alex Ésseesse, Assistant County Attorney; Paul Body, Planner I; and Jennifer Jones, Special Projects Coordinator 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.

June 20, 2018 MINUTES FOR APPROVAL

Motion by Dale Rhodes, seconded by Ronald Erickson, to approve the June 20, 2018, minutes. The motion passed unanimously.

DISTRICT 2

1. (18PZ00066) BARRY D. & JANET S. LAW – requests variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-2118(d)(2), to permit a variance of 7.5 feet from the required 7.5-foot side (north) setback as projected in a straight line into the waterway for a boat dock; 2.), Section 62-2118(d)(2), to permit a variance of 6.3 feet from the required 7.5-foot side (south) setback as projected in a straight line into the waterway for a boat dock; 3.) Section 62-2118(d)(3), to permit a variance of 1.9 feet over the 20-foot maximum projection into the waterway for a boat dock, in an Single-family Residential (RU-1-11) zoning classification, located on the southeast corner of East Waikiki Dr. and Harbour Island Drive (960 East Waikiki Drive, Merritt Island)

BOA ACTION: Herman/Rhodes – Approved variances #1 and #3 as depicted on the survey provided by the applicant; and approved variance #2 modified to 5.5 feet from the required 7.5-foot side (south) setback as projected in a straight line into the waterway for a boat dock. The vote was unanimous.

Barry D. & Janet S. Law, 960 East Waikiki Drive; Mr. Law stated when they bought the home, the existing dock was there and it was in bad shape. He did not know there was not a variance on the old dock, so he redid the flooring and the roof because it was a safety hazard, but there was not a variance to start with, and that is why they were requesting the variance now.

Marcus Herman asked if there was currently a code enforcement complaint against the dock. Mr. Law stated yes, he did the work without a permit not knowing there was not one already. Mr. Herman asked if he changed the dimensions of the dock. Mr. Law replied he went over by 13 inches on one side. Mr. Herman asked if the change was closer to the neighbors on his south side. Mr. Law replied yes, it was about 13 inches closer, and that left them with the variance they are requesting of 6.3 feet instead of 7.5. Mr. Herman asked if his neighbors expressed concern at that time. Mr. Law replied they did not say anything at the time. At one time they mentioned that it was on the property line but he did not think it was on the property line at the time.

Dale Young stated the only point of content that he saw was the fence allowing people to step into the neighboring seawall; he asked if that was the only thing they were concerned about. Mr. Law replied his understanding was that they wanted it angled back, but they did not put a fence up. Mr. Young stated he saw a fence. Mr. Law stated they put a railing up because of a dog issue, but they didn’t put a wooden fence up. Dale
Rhodes asked if the dock was currently on the property line. Mr. Law replied no, the side that they discussed was 1.2 feet from the property line per their survey. Mr. Rhodes asked if that is the side that they extended 13 inches. Mr. Law stated yes. Mr. Rhodes stated that before that it was a little more than 2 feet away from the property line. He asked if they went through a title company when they purchased the home. Mr. Law replied no. Mr. Rhodes stated he understood his desire to rebuild the dock because it was fallen in, and he didn’t want someone to get hurt; however, permitting is required for that. His biggest concern is that he did not stay in conformity with the current dock. He wouldn’t have had such a problem if he had stayed with the dock that was already there, but instead he expanded it, and from what he is reading that is also the concern of the neighbor that is objecting that the dock was expanded. He asked if there was a way to take off 13 inches back off. Mr. Law replied that one of the letters asked them to put an angle out from the seawall to the first pylon which would give them an approximate 2 feet, and he would have no problem with that. Mr. Rhodes asked if he would be willing to amend his request to show to the 2 feet, rather than asking for the ½ inch. Mr. Law stated they are asking for 6.3 feet. Mr. Rhodes stated on one side he was 14 inches off of their dock, and that was the side he extended the 13 inches, and asked would he be willing to amend his petition to show that he was willing to take that back. Mr. Law stated yes, whatever they put on the letter he would be happy to do, and that would include angling it out. Mr. Rhodes asked if he was allowed to do that. Mr. Bovell stated that based on precedence on what the Board has done before, if the current survey does not show exactly what he plans to do then the Board sends the applicant back to bring in new surveys and plans. Paul Body stated the Board can ask the applicant and have the item amended to say that it is 2 feet off of the southwest property line instead of 1.2 feet. He would have to show the change on the building permit. Mrs. Law stated if it was 2 ½ feet it would be past the existing pylons, and they didn’t change any pylons. Mr. Rhodes asked if it was currently 1.2 feet off, and if they went the 13 inches that would be 2.3. Mr. Body suggested to amend it to an even number, so make it 2 feet, that gives them eight-tenths more, which is a little over almost 9 inches. Mr. Rhodes clarified if it is amended to 2 feet, then he would be amending his request to 2 feet. Mr. Body stated yes, the Board can amend the second variance to be 5.5 from the 7 1/2-foot setback. Mr. Rhodes stated when he applies for the building permit he would have to show that. Mr. Body stated he would have to have the as-built survey showing that he has cut that back to be 2 feet exactly off of the extension line. Mr. Rhodes asked if he had an objection to that. Mr. Law stated no.

Public Comment:

Steve Geiser, 950 Waikiki Drive, he stated during the initial stages when the Law’s planned to extend and rebuild the dock structure at 960 East Waikiki, it was brought to their attention that they were going to extend the dock, and install an entirely new roof structure. At the time it was not a concern, but as Mr. Law mentioned, as permits were applied for, (inaudible) which meant to him that the County was going to uphold the requirements for building a residential private dock as outlined in Chapter 62, Article IV of the Brevard County Code. As things progressed they noticed the dock was being extended a few inches off their property line and that caused some concern. They expressed before the construction began that they were not happy with bringing the boat dock that close to the property line. Liability was the first concern, and the second concern was the safety of people transferring into their property from their dock. Later, there was an installation of a temporary fence, but it could easily be removed by future tenants, so it is not a permanent solution. The Brevard County Code of Ordinances, Chapter 62, Article IV, Section D for General Requirements, were written for a purpose, subsection 2 states, “When two abutting properties sharing a canal (inaudible) there would be no minimum setback for the shared property line of each owner”, but this was not case as they do not accept the current condition due to their expressed concerns. Typically, a variance is granted when a property owner can demonstrate that an existing zoning regulation presents a practical difficulty on making use of the property, he did not see what was a practical difficulty, it could be exhibited as a structure that was originally built and served its purpose and function, and did not cause any liability issues to neighboring properties, but the extension was made simply for personal preference and does not comply with current County Ordinances. An exception to this will open the door for the rest of the properties to request changes in the Ordinances. While this variance is specific to the Law’s at this time, but what happens if the property is sold with the variance then
there is no recourse that can be taken moving forward. Even if they are one of two properties being directly affected by the variance, other neighbors have reached out to them that did not approve. His question to the County would be if the ordinance is granted, would the County be willing to accept any liability, health, and safety concerns for the structure that was built without obtaining permits outside of the regulations.

Mr. Herman asked if he would accept if the applicant were to change their variances closer to what it was before. Mr. Geiser stated yes, he didn’t anyone to have to remove their whole structure. Mr. Herman asked if the old dock was there when he moved in. Mr. Geiser replied yes.

Mr. Young asked how long the dock has been there. Mr. Geiser replied he was not sure. Mr. Young asked if it was more than 5 years. Mr. Geiser stated yes, but the new design, no.

Mr. Bovell stated for the record there is 4 letters supporting the dock request. The Board also received the letter from Mr. Geiser. The specific question he had was the request of 6.3 from the required 7.5 to a 5.5, which pushes it back; he asked if that was acceptable for him. Mr. Geiser stated he didn’t know the exact measurements, but he had a survey completed on his property, and according to his measurements it was only 5 inches from the property line, but if it were to go back to the original pylon then he would accept that.

Mr. Bovell stated the Board received an additional letter of objection. (Read into the record and placed in file)

Francis Carter, 940 Waikiki Drive, stated the question was asked on when the dock was built and she stated she was the original owner, and they built that dock probably back in 1965 or 1966. These variances would set a precedent and invalidate the current County code which was why they strongly object to granting the variance. Mr. Bovell asked what she thought of the amended request to bring the dimensions more in line with what she originally built. Ms. Carter said she had no problem with that.

Mr. Bovell read the 4 letters supporting the variance that were previously submitted into the record. (Placed in file)

Closing:
Mr. Law stated he was willing to do anything the Board asks of them. Mr. Bovell clarified he would be reducing his request from 6.3 feet from the required 7.5 feet south setback. Mr. Law replied yes from the seawall pylon to the first pylon on an angle.

Mr. Bovell clarified that the applicant was thinking he is going to put it as an angle out to the very end, still being 1.3 feet. What the Board is thinking about is cutting the dock completely back along that so the whole dock is completely 2 feet off of the property line extension. Mr. Law stated he was going off of the letter suggesting cutting it into an angle. Mr. Bovell stated the Board decided and asked him if he was willing to move that side, the 5.5 feet. Mr. Law replied yes.

Motion by Marcus Herman, seconded by Dale Rhodes, to approve variances #1 and #3 as depicted on the survey provided by the applicant; and variance #2 modified from 6.3 to 5.5 ft. from the required 7.5-ft. side (south) setback as projected in a straight line into the waterway for a boat dock. The motion passed unanimously.

**DISTRICT 1**

2. **(18PZ00067) TAMMY EDELMAN** – requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-2109(c), to permit a variance of 2 feet over the 4-foot height limitation for a fence within the front setback, in an Single-family Residential (RU-1-9) zoning classification, located on the west side of Grissom Parkway, approximately 127 feet north of Brambleton Street (6490 Grissom Parkway, Cocoa)
BOA ACTION: Erickson/Herman – Denied. The vote was unanimous.

Tammy Edelman, 5000 Brambleton Street, stated she was requesting to have a continuance of her 6-foot fence. This was not a new build, the fence had been up there for approximately 20 years, if it wasn’t for Hurricane Irma, it would still be there. It was destroyed by Irma and she simply rebuilt it and she is requesting the variance to continue having a 6-foot fence.

Ronald Erickson asked if she extended the fence down Grissom, including the lot she bought next door. Ms. Edelman stated that was correct, 20 years ago. Mr. Erickson asked if that lot (inaudible) with the other lot or if it was separate. Ms. Edelman replied it was separate. Mr. Erickson asked if she did not get a variance on the other. Ms. Edelman stated she misunderstood the variance the first time, it was approved for a continuous fence. Mr. Erickson stated that was a separate lot so she needed to get a variance for that lot. Also, if the variance was approved the fence would also go all the way to the sidewalk, and not like how usually they are a few feet back. Ms. Edelman stated correct, it was on the same line as the fence that was approved. Mr. Erickson stated that wasn’t built correct to begin with. It was in 1999 when she got the first variance, so usually the applicant has a survey, and the fence is placed 2-3 inches inside the property line, but this is all the way to the side line. Ms. Edelman stated yes, that was what they got the variance for the first time. Mr. Erickson asked if there is a code violation for the new fence. Mr. Body stated yes, there is a code violation for the new fence. The fence was not on the property line, but the other variance that was granted to the property to the south had Code Enforcement determine that it did not seem to meet the setback requirements. There was not a survey that was included with the location of the fence back in 1999, but obviously by the new survey it is not on her property. It would need to be moved to have a variance approved; the Board cannot approve something that is not on the property. Mr. Erickson asked about the requirement for not having a 6-foot fence on Grissom Parkway. Mr. Body replied the code says that you cannot be over 4 feet high. Within the front setback it is 20 feet on this property, and that is what they got their previous variance for on the property to the south, and that is what they are applying for on this property; to have 2 feet over the 4-foot requirement in the front setback. Mr. Erickson stated that the difference was her occupied house is the side lot line going down Grissom Parkway. Mr. Body stated the other one would still have a side street setback requirement. Mr. Erickson asked if that included the 6-foot requirement. Mr. Body replied at the time it was required to be 4 feet high within the side street setback, now there is a code that is contiguous with a key lot that is over 100 feet wide, then you can have a 6-foot high fence up to the front of the house, but this lot that she has it on is only 83 feet wide, so the corner lot would still not meet the code that she had the variance approved for in 1999. The fence code was adopted in 2004 for the new corner lots contiguous with a key lot. Mr. Erickson stated that it sounds like she could get a variance for the new fence, but she still has to move it back to her property line. Mr. Body stated yes. Mr. Erickson stated the other lot that it encompasses can only be 4 feet without a separate variance. Mr. Body stated no, she already had a variance on the other lot with the fence that is on the lot to the south of this property. Mr. Erickson asked if it was over the line. Mr. Body replied it was over the line according to the survey, it is up against the sidewalk, too, from what the notes said on the 1999 variance, it is butted up against the sidewalk. Mr. Erickson asked if the best case scenario would be to chop the fence to 4 feet and move it. Mr. Body stated she needed to move it onto her property and then it could be 4 feet high without having to get a variance, but she still needs to move it because it is not on her property. Ms. Edelman asked if she would have to apply for another variance to keep it at 6 feet. Mr. Body replied, if the Board approved it to be 6 feet high then there would be a condition that she will have to move it onto her property, so it is not on the right-of-way. Ms. Edelman asked how much it had to move back. Mr. Body stated she could ask her surveyor because he didn’t have a distance showing on the survey. Ms. Edelman stated she never intends to sell the lot nor did she imagine anyone putting a house on that lot, she asked if that would make a difference. She has lived there for 37 years, she has thought about incorporating the two lots. Mr. Erickson stated that would be the best option. Mr. Body asked what she was proposing. Ms. Edelman stated she was proposing to incorporate the two lots. Mr. Body stated that would still leave the fence in the right-of-way. Ms. Edelman asked if she still had to move the fence back 1-foot Mr. Body replied yes, the fence is not on her property. Ms. Edelman stated she could keep it 6 feet then. Mr. Body stated yes, if the Board approves the variance.
Public Comment:

Robert Seymour, 6500 Grissom Parkway, he stated when the hurricane blew her fence down, they rebuilt it in January, he noticed they were putting it back to where it originally was. He talked to the men that were putting up the fence, and asked them if they had a building permit which they did not. He spoke to Ms. Edelman that day, and asked her to lower the height of the fence because they cannot see down the sidewalk when backing out of their driveway that’s 10 feet from that property line. After that conversation the fence went right where it is now. On numerous occasions there have been close calls with people either walking or riding their bicycles when they have been backing up their car, because either they can’t see the car or they cannot see them. It is a safety issue.

Mr. Rhodes asked if she moved it back to the property line, but the Board allowed her to maintain the 6-ft. fence if it would still be an issue for him. Mr. Seymour replied the property line is only 1-foot. My Body stated it appeared to be 1-foot, but maybe 1 ½ feet. Mr. Seymour stated they still would not be able to see down the sidewalk. Mr. Herman asked if she were to make it 4 feet closer to his house, if it would make it to where he could see. Mr. Seymour replied the fence along the sidewalk would have to be down too. Mr. Body stated that was also in the front 20-ft. setback as part of this variance request. Mr. Herman asked if there was a middle ground that as neighbors they could figure out that could work. Mr. Seymour replied he was not sure. Mr. Bovell stated the reason for the code on lots that are expanded properties are within the 20-foot setback along the front, they call for the 4 feet for this reason. Now the concern is for the need for the applicant needing a 6-foot fence when it is a safety issue. Mr. Young stated the fence practically sits on the sidewalk.

Closing:

Mr. Bovell asked if there was any hardship to Ms. Edelman to move the fence within code and have it at 4 feet. Ms. Edelman replied she would lose that part of her lot, and she would not be able to see that open space. The safety reasons for having a 6-foot fence are that with a 4-foot fence there is not a privacy fence, anyone could jump over. When the fence was down during the hurricane a neighbor had to run someone off the property that was trying to get into the property. She is a widow and she needs her privacy and safety. Moving it back is not going to solve any issues except take away a part of her yard that she would not be able to use.

Motion by Ronald Erickson, seconded by Marcus Herman, to deny the variance.

Mr. Young stated there was an option to have the fence inside the property line at 4 feet, if she is worried about losing her property, she could have a 6-foot fence 10 feet back, or have a 4-foot fence along the sidewalk. Mr. Body stated it would have to be 20 feet back, the front setback is 20 feet, but she could have a 4-foot fence all the way to her front property line then step it up 6 feet after the first 20 feet of her property. Mr. Rhodes stated his greatest concern was not seeing a child riding down the sidewalk, and have them back out causing an accident, he believed that concern outweighed the need for a 6-ft. fence, but he understood the desire to have a 6-ft.

The Chair called for a vote on the motion as stated and it passed unanimously.

DISTRICT 4

3. (18PZ00068) THOMAS W. HICKS AND MARGARET N. HICKS – request variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1340(5)(a), to permit a variance of 3 feet from the required 20-foot rear setback for a principal structure; 2.) Section 62-1340(5)(a), to permit a variance of 2 feet from the required 10-foot rear setback for a screen porch; 3.) Section 62-1340(5)(a), to permit a variance of 2 feet from the required 20-foot front setback for a principal structure, in an Single-family Residential (RU-1-11)
zoning classification, located on the east side of Crane Creek Boulevard, approximately 0.19 mile north of Six Mile Way. (1903 Crane Creek Boulevard, Melbourne)

BOA ACTION: Bovell/Herman – Approved as depicted on the survey provided by the applicant. The vote was unanimous.

Thomas W. Hicks and Margaret N. Hicks, 1903 Crane Creek Boulevard Mrs. Hicks stated she and her husband moved into the house in December 1991, the front property line was 40 feet from Crane Creek Boulevard, and on the rear of the house they only have 8 feet, so they wish to make an expansion. Right now their house is one of the smallest in the whole subdivision, under 1,500 square feet. They are applying for a variance to the rear of the house so the expansion of 7 feet can be 10 feet, so she was asking for 3 feet. It would not affect anyone because the back of the house is a fence from the back neighbor. If they can place a screened porch that would be a plus, but if the Board does not believe they should get it then she would be okay with it. But, for the expansion she needs the 3 feet otherwise she cannot put an expansion for just 7 feet, it would not make sense. Mr. Hicks stated the house is on the small side for that neighborhood, and the average home for that neighborhood averages to about 1,850 to 3,000 square feet.

Mr. Bovell stated she is requesting for 2 feet, and asked if she was asking for an extension to the front. Mrs. Hicks replied just to pull up her front master bedroom, if they look at the survey it would only be the master bedroom, so she can walk from her master to an extended area. Mr. Bovell stated he did not have issues with the requests on the rear of the house, but she was going to put a proposed addition of 27 feet to the front. Mrs. Hicks replied yes, just for the front of the master bedroom. Mr. Bovell asked if she notified the Homeowners Association. Mrs. Hicks stated she wanted to get a variance first. Mr. Bovell stated he drove by the property and saw that they had the room in the front for that extension, as long as they are architecturally compatible with everything that is there.

Public Comment:

Larry Krestan, 1920 Thesy Drive, he stated he lived on the other side. There is a swale that runs between Crane Creek Boulevard and Thesy Drive within those houses. When there are heavy rains the concern to have anything that interferes with that swale could cause additional flooding back there. His concern was how the screened porch could affect the swale. Mr. Bovell stated that looking at the application, it is still within their property line, it was not going to be in the swale.

Closing:

Mr. Bovell stated he knew the neighborhood well; what is architecturally compatible, and those are things they will have to deal with the Homeowners Association with down the line, but they had his support.

Motion by George Bovell, seconded by Marcus Herman, to approve the variance as depicted on the survey provided by the applicant. The motion passed unanimously.

DISTRICT 2

4. (18PZ00069) JOANN FARNHAM - (Donald Farnham) requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1372(5)(c)(3), to permit a variance of 10 ft. from the required 15-ft. side street (north) setback for a principal structure, in an Medium-density Multiple-family Residential (RU-2-15) zoning classification, located on the southwest corner of South A1A, and 29th Street. (2902 South A1A, Cocoa Beach)

BOA ACTION: Herman/Rhodes – Approved as depicted on the survey provided by the applicant. The vote was unanimous.
Attorney Coleman, 1311 Bedford Drive, representing the applicants, stated the Farnham’s have been before the Board for two previous variances on this property, and the Board graciously approved both variances. During the construction process the client noticed that there may have been an error in one of the previous variances. The previous variance was granted a 10-foot variance from the required 10-foot side setback, and it should have said 15-foot side setback. Mr. Body stated side street setback. Mr. Coleman stated because of the way it was advertised previously, he communicated with the County Attorney Eden Bentley, and she said that because it was advertised they had to come in to fix that variance, which is why they are there today, so it should be a 10-foot variance to the required 15-foot side street setback.

Mr. Herman stated he saw this as housekeeping, so he had no issues with the requested variance. Mr. Rhodes stated he had no issues, but asked if they were asking for a 10-foot setback to the 15-foot variance or 15-foot setback to the 15-foot. Mr. Coleman replied 10-foot to the 15-foot. Mr. Rhodes stated that in her letter she stated it should have been a variance of 15-foot from a 15-foot setback. Mr. Coleman stated there was a piece of outbuilding that was there, and it was taken out.

No Public Comment.

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

5. (18PZ00078) – BLESSED IN THE SUN, LLC – (Ruby Daniel) – requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1340(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 Single-family Residential (RU-1-11) zoning classification, located on the east side of Highway. A1A, approx. 175 feet south of Beach Street (2075 North Highway A1A, Indialantic)

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

Ruby Daniel, 210 Fillmore Avenue, representing the applicants, stated she is the builder and when her clients recently purchased the property they did not understand they had a double frontage issue. There is not a garage in the front side, so they assumed the front side was the road side. When they approached the County about building a tiki hut over a deck area that existed in the back they found out that there was an issue because it was double frontage. They currently have an existing deck and staircase that gives them access to get down to the ocean, and there is a considerable height difference between the property’s elevation to the beach. As an existing structure is already there, what they are looking at is putting an umbrella style, one single pole, tiki hut over that to shape it.

Dale Young stated it appeared to be well behind the beachline setback. Ms. Daniel stated it was at the edge of the property, the deck and (inaudible) is already there, she was not sure when that was built. Mr. Body stated their property line goes out to the mean-high water line. Mr. Young stated regarding the environmental setback it looked like there was a line. Mr. Body stated the Natural Resources Management Department has said that since it is over an existing deck they did not have a problem with it. Mr. Young asked if the pad was already there. Ms. Daniel replied yes.

No Public Comment.

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

DISTRICT 1
6. (18PZ00079) MAX CLEVENGER – (Ed Shinskie) – requests variances of Chapter 62, Article VI, Brevard County Code, as follows:  1.) Section 62-1402(5)(a), to permit a variance of 0.4 feet from the required 7.5-foot side (west) setback for a principal structure; 2.) 0.8 feet from the required 25-foot front setback for a principal structure, in a Single-family Mobile Home (TR-1) zoning classification, located on the north side of Booth Street, approx. 50 feet east of Cherry Avenue (313 Booth Street, Cocoa)

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

Ed Shinskie, 4707 Wild Turkey Road, representing the applicant, stated he was contacted by Mr. Clevenger because his neighbor had turned him in for having a modular home too close to the property line, and he had some other issues such as engineering details. In the as-built survey it showed that the contractor that was hired to set this in place a number of years ago put it too close to the side; it was only one corner that was close, the front corner as far as the side setback was within the proper 7.7 feet off the corner, it was the rear corner that is 7.1 feet, and that was part of the modular home that is too close to the side. As far as the front he was eight-tenths too close to the front. Mr. Clevenger is 84 years old, and he tried getting in touch with the contractor but he is nowhere to be found. He has also contacted the State trying to find them, and reported him to Contractor Licensing. He is also a part-time resident; he is only here during the winter.

Mr. Erickson stated he drove by the property, and noticed the green notice was not posted. Mr. Shinskie stated it was posted, and he took a photo of it. It was in the front of the modular home. Mr. Erickson stated the variance he was asking for was minimal and he does not have an issue with it.

No Public Comment.

Mr. Bovell stated a letter was received in the mail in support of the variance. (Letter placed in file)

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 2

7. (18PZ00080) SWB HOLDING, LLC – (Kim Rezanka) – requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1334(4), to permit a variance of 45 feet from the 150-foot minimum lot width required for the Agricultural Residential (AU) zoning classification, located on the south side of East Crisafulli Road, approximately 560 feet west of Joseph’s Court. (No assigned address. In the Merritt Island area.)

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

Kimberly Rezanka, Cantwell & Goldman, P.A., Cocoa, stated the intended purchasers of the property have retained her to make this nonconforming lot conforming, so they can build on it. It is a 3.59 acre parcel on East Crisafulli Road, and it has been in that location/configuration since at least February of 1994. It is an AU zoning which requires 150-foot width of the property, and part of the property is only 105 feet. A good majority of the property is greater than that, it is over 300 feet. They are asking for the Board to grant a 45-foot variance from the 150-foot width requirement to make the lot conforming so they can build on the lot.

Mr. Herman stated the lot would not be a buildable lot unless something like this variance would be done to it.

Mr. Young asked where the (inaudible) problem comes in from the right. Mr. Rezanka stated it did not show on their survey, but they are now aware and will look into it, and obviously they cannot build on any easement,
she assumes it is on East Crisafulli Road, probably in the right-of-way, but she did not know since Ms.
Anderson never contacted them and it does not show on their survey or title search, but they will not build on it.

No Public Comment.

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

DISTRICT 2

8. (18PZ00081) RONALD MILLS – (Terry Salber) – requests variances of Chapter 62, Article VI, Brevard
County Code, as follows: 1.) Section 62-1340(5)(b), to permit a variance of 1.5 feet from the required 7.5-foot
rear setback for an accessory structure; 2.) Section 62-2121(a), to permit a variance of 8 ft. from the required
10-foot setback from a seawall, for an accessory structure, in an Single-family Residential (RU-1-11) zoning
classification, located on the south side of Yount Drive, approximately 100 feet east of North Banana River
Drive (1565 Yount Drive, Merritt Island)

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

Matt Denyer, 5945 Grissom Parkway and Terry Salber, 560 Venetian Way, both stated they represented the
applicant. Mr. Salber stated he is the contractor. Mr. Denyer stated they are asking for a variance to put an
outdoor kitchen in Mr. Mills’ backyard. He has a decent size home on a small property, and based on the
layout of the property he does not really have a safe place to put it. It isn’t putting it close to either neighbor on
either side. The area they are requesting varies; it is about 1-foot off of the canal facing the canal.

Mr. Herman asked if they were putting the grill on the southwest side of the property. Mr. Denyer replied yes.
Mr. Herman asked if that would impede their neighbors. Mr. Denyer stated no, the way they have the L-shaped
layout as noted in the survey, it is not in any view, and there is already a vinyl privacy fence between them, so
she cannot see into his property. The fence is noted on the original survey, so that kitchen sits in behind an L-
shaped vinyl fence. Mr. Herman stated he had no issues.

Mr. Rhodes asked if the fence will remain there. Mr. Denyer stated yes.

No Public Comment.

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

Meeting Adjourned at 2:32 p.m.