BOARD OF ADJUSTMENT MINUTES

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, November 28, 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; Robert Dale Rhodes, District 3; Dale Young, District 5.

Staff members present: Jad Brewer, 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 original file located in the Planning and Development Department.

OCTOBER 17, 2018 MINUTES FOR APPROVAL

Motion by Ronald Erickson, seconded by Dale Rhodes, to approve the October 17, 2018 minutes. The motion passed unanimously.

1. (18PZ00116) DISTRICT 4 – HYNES PROPERTIES, LLC (Kiana Mullenski) requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1339(5)(a), to permit a variance of 7 feet from the required 10-foot north side setback for a principal structure, in a Estate Use Residential (EU) zoning classification. The property is 0.70 acres, located on the east side of South Tropical Trail, 1,500 feet north of Stockton Drive (9700 South Tropical Trail, Merritt Island)

Board of Adjustment Action: Rhodes/Erickson- Approved as depicted on the survey provided by the applicant. The vote was unanimous.

Kiana Mullenski. 9700 South Tropical Trail, stated they were trying to get a variance for the property to get a garage placed. There is no garage or carport currently. The house has not had one. The house was built in the 50’s. There was no other location to place a garage. The house is already in the setback as it is, because it was built before those setbacks existed. It is also connected to a flag lot that is owned by the same owners, and what it borders is just the driveway part of a flag lot, so it does not even border a buildable section of another piece of land. She needs approval to have the garage a little closer to the fence line and the property line, otherwise it will be in front of the windows of the house.

George Bovell stated this was straight forward, and he noticed they had the driveway there, and she was right, if they moved the garage over it would block the two windows.

Dale Young asked if this was her residence. Ms. Mullenski replied no, she was a property manager for Hynes Properties, but she was renting it as well.

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.

2. (18PZ00118) DISTRICT 2 – KEVIN AND SHERRY HUGGINS requests variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1340 to permit a variance of 1.46 feet from the 75-foot minimum lot depth required; 2.) Section 62-1340(5)(a), to permit a variance of 5 feet from the 20-foot rear setback required for a principal structure, in a Single-family Residential (RU-1-13) zoning classification. The property is 0.21 acres, located on the west side of South Tropical Trail, 22 feet south of Marlin Drive (1315 South Tropical Trail, Merritt Island)

Board of Adjustment Action: Rhodes/Young- Approved as depicted on the survey provided by the applicant. The vote was unanimous.

Kevin Huggins, 6730 Caliph Avenue, stated his wife and him purchased a piece of vacant property off of South Tropical Trail, address, 1315. They were aware of the required setbacks of 20-foot in the front, and rear, and 7 1/2-foot on the side. After designing the house they were told since it was platted in the 60’s there was not an assumed rear property line, which meant on a triangular lot a percentage of the lot depth is lost, which is 37 feet, 5 inches, because the lot depth was 75 feet, so therefore they lost 18 feet of a property they own before they even started the house. They would have been 38 feet away from the actual corner that they own, but they lost 17-foot, therefore he missed the lot depth by 1 ½ feet on the lot depth, so he redesigned it to make the requirements on the front and sides, but he still missed the back by 4 1/2. The kitchen is only 7-foot wide, and if he had to take more of it he would then have a 3 ½-foot wide kitchen. He would ask that he get the variance, so they can build a single-family home. Dale Rhodes asked if there was something already on the lot. Mr. Huggins replied no it was vacant. The neighbors that they could see are over on his property line, so that was another issue where they are moving their fence 3 ½-foot and a piece of concrete that is over on their property. Mr. Young asked if this was their residence. Mr. Huggins replied it will become their permanent residence. They were aware there was some issues with it, but they did not know about the 18 feet they were going to lose.

No Public Comment.

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

3. (18PZ00119) DISTRICT 2 – 7 DUNHAM PLACE REALTY, INC. (Jennifer Ronneburger) requests variances of Chapter 62, Article IX, Brevard County Code, as follows: 1.) Section 62-3316(c)(2) to permit 19.4 square feet over the 30.416 square feet wall signage allowed on the front (south) wall; 2.) Section 62-3316(c)(2) to permit 11.6 square feet over the 38.219 square feet wall signage allowed on the side (east) wall, in a Retail, Warehousing, and Wholesale Commercial (BU-2) zoning classification. The property is 1.45 acres, located on 800 feet east of North Plumosa Street, and on the north side of East Merritt Island Causeway (650 East Merritt Island Causeway, Unit 101-102, Merritt Island)

Board of Adjustment Action: Rhodes/Erickson- Tabled to the December 19, 2018, meeting. The vote was unanimous.
Paul Body stated the applicant has requested to table the item, because she was unable to attend the meeting.

Motion by Dale Rhodes, seconded by Ronald Erickson, to table the item to the December 19, 2018 meeting. The motion passed unanimously.

Meeting Adjourned at 1:42 p.m.