

BOARD OF ADJUSTMENT MINUTES

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, February 16, 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: Sarah Beazley, Assistant County Attorney; Heather Balsler, Assistant County Attorney; Jeffrey Ball, Planning & Zoning Manager; George Ritchie, Planner III; and Jennifer Jones, Special Projects Coordinator.

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

Jeffrey Ball 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 January 19, 2022, Minutes

Motion by Kevin McCann, seconded by Jack Higgins, to approve the January 19, 2022, minutes. The motion passed unanimously.

(21PZ00093) Kenneth Kurt & Tina C. Krokenberger

A variance from Chapter 62, Article VI, Brevard County Code, Section 62-2109(a), to permit a variance of 4 ft. over the maximum 6-foot requirement for a fence/wall, in an EU-2 (Estate Use Residential) zoning classification. The property is 0.46 acres, located on the northeast corner of the cul-de-sac of Brahman Ave., approx. 738 ft. north of Tuckaway Dr. (3401 Brahman Ave., Rockledge) (District 2) This item was tabled from the 01/19/22 meeting.

Tina Krokenberger, 3401 Brahman Avenue, Rockledge, stated she bought the property in 2016 and soon after realized there was an area of 18 feet, north of the house, that was unusable. There is a drainage ditch along Martin Road that borders their property and dips down 6 feet from the foundation of the home. Their engineer didn't feel there were any problems with the house itself. She said she was told the original owner applied for a stem wall permit on the north edge of the house to protect the foundation, but there was no permit on record with the County. Instead of a stem wall, there was a monolithic slab with only 3 feet of a rock bed and an embankment protect the home, so the engineer put in a retaining wall and filled that area in with dirt. At the time, she knew a variance would be required because the retaining wall is almost 6 feet from the drainage ditch part of the property up to the foundation of the house. It is unusable because the code requires a railing for safety, and the railing requirement is a minimum of 36 inches, so they are asking for a 4-foot railing for protection of anybody who comes to the property. She pointed out if the drainage ditch is ever filled in with a culvert by the association that owns the easement, to match the culvert to the west, then it won't be 10 feet because the land will be filled in.

Kevin McCann asked if Ms. Krokenberger knew she would need a variance when the retaining wall was built with the fill dirt, which ended up being a concrete deck. Ms. Krokenberger replied, the original permit was approved for the retaining wall and the deck tied into the house without the railing, and that is why she is requesting a variance for the railing.

No public comment.

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

(21PZ00072) Kathryn L. Miller, Revocable Trust (John T. Miller)

A variance from Chapter 62, Article VI, Brevard County Code, Section 62-1336(4), to permit a variance of 48 feet from the required 125-ft. lot width required in the RR-1 (Rural Residential) zoning classification. The property is 1.39 acres, located on the west side of Hwy. A1A, approx. 0.56 mile south of Budris Rd. (No assigned address. In the Melbourne Beach area.) (District 3)

Laura Young, Attorney with Dean Mead Law Firm, explained that the applicants are requesting a variance because in 1988 the property was administratively rezoned by the County during its comprehensive plan adoption to a classification that the lot width does not comply with; the lot width is approximately 77 feet; the required lot width in the new zoning classification is 125 feet, so in order to develop the property, they are asking for the minimum variance necessary in order to be able to build on the lot. Other lots in the area were also administratively rezoned.

David Arambula, 671 Indian River Drive, Melbourne, stated he is the buyer and he is working with a builder. He noted the property next door has the exact same width and also has a variance.

Motion by Kevin McCann, second by George Bovell, to approve the variance as depicted on the survey provided by the applicant. The motion passed unanimously.

(21PZ00096) Jeffrey D. and Gayle T. Kluesner

A variance from Chapter 62, Article VI, Brevard County Code, Section 62-1340(5)(a), to permit a variance of 12 feet from the required 20-ft. rear setback for a principal structure in an RU-1-11 (Single-Family Residential) zoning classification. The property is 0.37 acres, located on the southeast corner of Bahama Dr. and N. Riverside Dr. (595 Bahama Dr., Indialantic) (District 5)

Jeffrey Ball stated staff is asking that the item be tabled in order for staff to have more time to work with the applicant.

Motion Jack Higgins, seconded by Bill Huffman, to table the item to a future BOA meeting. The motion passed unanimously.

Board of Adjustment Workshop

The board heard a presentation by staff on the variance process for the Board of Adjustment.

Upon consensus, the meeting adjourned at 2:10 p.m.