

Board of Adjustment Agenda

Wednesday, April 19, 2023, at 1:30 p.m.

Brevard County Government Center
2725 Judge Fran Jamieson Way, Building C, First Floor,
Viera, Florida

Approval of February 15, 2023 Minutes

1. **(22V00021) AKM Gratitude of Prosperity, LLC (f.k.a. Paula L. Herron and Claudia Volland)** request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1481(5)(a)(1), to permit a variance of 36.78 ft. from the required 50-ft. front setback for a principal structure in a BU-1-A (Restricted Neighborhood Commercial) zoning classification, currently zoned RU-1-11 (Single-Family Residential). The property is 0.34 acres, located on the south side of E. Merritt Ave., approx. 230 ft. west of N. Plumosa St. (375 E. Merritt Ave., Merritt Island) (Tax Account 2426731) (District 2)

BOA ACTION: McCann/Thomas - Approved as depicted on the survey provided by the applicant. The vote was 4:1, with Rhodes voting nay.

2. **(22V00052) IR Tiki 2, LLC** (Steve Monroe) requests variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-2105(b), to permit a variance of 11.8 ft. from the required 32.91 ft. (30%) breezeway corridor on riverfront property; 2.) Section 62-1485(5)(a)(4)(a), to permit a variance of 6.59 ft. from the required 15-ft. side (south) setback for a structure, in a BU-1 (General Retail Commercial) zoning classification. The property is 0.96 acres, located on the east side of U.S. Highway 1, approx. 900 ft. south of Coquina Ridge Dr. (4263 N. U.S. Highway 1, Melbourne) (Tax Account 2611662) (District 4)

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

3. **(23V00004) Catherine S. Baldwin** requests variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1340(4), to permit a variance of 5 ft. from the required 75-foot lot width for a principal structure; 2.) Section 62-1340(4), to permit a variance of 10 ft. from the required 75-foot lot depth for a principal structure; 3.) Section 62-1340(4), to permit a variance of 3,144 sq. ft. from the required 7,500 sq.-ft. minimum lot size, in an RU-1-11 (Single-Family Residential) zoning classification. The property is 0.10 acres, located on the north side of West Virginia Ave., approx. 380 ft. east of S. Banana River Dr. (1850 West Virginia Ave., Merritt Island) (Tax Account 2514632) (District 2)

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

4. **(23V00007) Clearlake Commercial Center, Inc.** (Jennifer Altreche) requests variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1483(5)(a)(4)(b), to permit a variance of 2.24 ft. from the required 5-ft. side (north) setback for a structure; 2.) Section 62-1483(5)(a)(4)(f), to permit a variance of 0.22 ft. from the required 25-ft. side street (south) setback for a structure, in a BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classification. The property is 2.20 acres, located on the northeast corner of Clearlake

Rd., and West Peachtree St. (300 & 310 Clearlake Rd., Cocoa) (Tax Account 2424131)
(District 2)

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

5. **(23V00008) Lynn A. Hartman and Carl K. Hartman** (Anna Long) request variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1371(5)(a), to permit a variance of 7 ft. from the required 10-ft. side (south) setback for an accessory structure; 2.) Section 62-1371(5)(a), 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-2-4 (Low Density Multi-Family Residential) zoning classification. The property is 0.66 acres, located on the east side of Highway A1A, approx. 510 ft. south of River Oaks Rd., and across from Sea Grape Rd. (9115 Highway A1A, Melbourne Beach) (Tax Account 3008507) (District 3)

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

6. **(23V00009) Jeremy Cox-Stone and Amber Comrie** request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-2100.5(1)(d), to permit a variance of 228 sq. ft. over the 1,280 sq. ft (50% of the living area of the principal structure) allowed for an accessory structure in an RR-1 (Rural Residential) zoning classification. The property is 2.05 acres, located on the south side of Carolwood Dr., approx. 0.30 mile west of Turtle Mound Rd. (4185 Carolwood Dr., Melbourne) (Tax Account 2702772) (District 5)

BOA ACTION: Neuman/Thomas - Denied. The vote was unanimous.

7. **Withdrawal of Variance No. 1 of 23V00003, Anthony V. and Kathleen DiLella** Withdrawal of 23V00003, Variance No. 1: Section 21-2118(d)(3), to permit a variance of 2.48 ft. over the 15.52-ft. projection (20% the width of the waterway) for a boat dock. The applicant has amended the request via 23V00010. The property is 0.35 acres, located on the westerly side of Bay Shore Dr., approx. 0.14 mile northwest of West Point Dr. (1742 Bay Shore Dr., Cocoa Beach) (Tax Account 2519528) (District 2) Variance No. 1 was withdrawn by applicant. Letter received 04/05/23. Amended 23V00003 Resolution was executed noting the withdrawal.
8. **(23V00010) Anthony V. and Kathleen E. DiLella** (Carter Hayes) request variances of Chapter 62, Article VI, Brevard County Code, as follows: 1) Section 62-2118(d)(3), to permit a variance of 6.38 ft. over the 15.62-ft. projection (20% of the canal width) permitted for a boat dock and a vessel moored at the dock; 2.) Section 62-2118(d)(2), to permit a variance of 3 ft. from the required 7.5-ft. side (west) setback for a boat dock, in an RU-1-13 (Single-Family Residential) zoning classification. The property is 0.35 acres, located on the westerly side of Bay Shore Dr., approx. 0.14 mile northwest of West Point Dr. (1742 Bay Shore Dr., Cocoa Beach) (Tax Account 2519528) (District 2)

BOA ACTION: Variance No. 1: McCann/Mallard - APPROVED as 2.38 ft. over the 15.62-ft. projection (20% of the canal width) for a boat dock as depicted on the survey provided by the applicant, and 6.38 ft. over the 15.62-ft. projection (20% of the canal width) for a

vessel, including motor, moored at the dock, as depicted on the survey provided by the applicant. The vote was 4:1, with Rhodes voting nay. Variance No. 2: McCann/Thomas - APPROVED with the condition that the east finger pier project 12 ft. from the second piling. The vote was 4:1, with Rhodes voting nay.

Pursuant to the Florida Rules of Appellate Procedure, any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may, within thirty (30) days after the date the order is signed, apply to a court of competent jurisdiction for appropriate relief. Speakers must provide their names and addresses for the public record.