

BOARD OF ADJUSTMENT MINUTES

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, March 20, 2024, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, with Chair Dale Rhodes presiding, to consider the requests below:

Board members present were: Sonya Mallard (D1); Kevin McCann, Chair (D2); Dr. Joanna Bass (D4); and Dave Neuman, (D5 Alt.).

Staff members present were: Becky Behl-Hill, Assistant County Attorney; Greg Hughes, Assistant County Attorney; Jeffrey Ball, Zoning Manager; Paul Body, Senior Planner; and Kristen Champion, Special Projects Coordinator.

Chair Kevin McCann called the meeting to order at 1:30 p.m.

Paul Body explained the function of the Board of Adjustment; Dr. Joanna Bass explained the definition of an undue hardship; and Kevin McCann explained the procedures of the Board of Adjustment. All speakers were sworn in at the beginning of each item.

Approval of January 17, 2024, Minutes

Motion by Dave Neuman, seconded by Sonya Mallard. The motion passed unanimously.

Approval of February 21, 2024, Minutes

Motion by Dave Neuman, seconded by Dr. Joanna Bass. The motion passed unanimously.

Christopher D. Strozier THE FOLLOWING ITEM WAS RE-ADVERTISED FROM THE JANUARY 17, 2024, BOA MEETING Variance of Chapter 62, Article VI, Brevard County Code, Section 62-1340(5)(a), to permit a variance of 10 ft. from the required 75-ft. minimum lot width in an RU-1-11 (Single-Family Residential) zoning classification. Currently zoned RU-1-9 (Single-Family Residential). The property is 0.31 acres, located on the west side of Kaiser Road, approx. 203 ft. south of Smith Road. (2466 Kaiser Rd., Mims.) (23V00047) (Tax Account 2104016) (District 1)

No public comment.

Sonya Mallard made a motion to approve the variance requested as depicted on the survey provided by the applicant, seconded by Dr. Joanna Bass.

Kevin McCann read aloud the six criteria for a hardship and explained the justifications for approving the variance.

Kevin McCann called for a vote on the motion as stated, and it passed unanimously.

Steve and Lisa Barnes Variance of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1340(5)(a), to permit a variance of 2 ft. from the required 7.5-ft side (East) setback for a principal structure in an RU-1-13 (Single-Family Residential) zoning classification. The property is 0.23 acres, located on the north side of Beverly Court, approx. 475 ft. west of Hiawatha Way. (310 Beverly Ct., Melbourne Beach) (24V00002) (Tax Account 2956450) (District 3)

No public comment.

Dave Neuman made a motion to approve the variance requested as depicted on the survey provided by the applicant, seconded by Dr. Joanna Bass.

Kevin McCann read aloud the six criteria for a hardship and explained the justifications for approving the variance.

Kevin McCann called for a vote on the motion as stated, and it passed unanimously.

James Rowan and SaraJane Sengel Variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1372(5)(c)(2), to permit a variance of 17.36 ft. from the required 20-ft. rear setback for a principal structure; and 2.) Section 62-1372(5)(c)(1), 6.24 ft. from the required 25-ft. front setback for a principal structure in an RU-2-15 (Medium Density Multiple-Family Residential) zoning classification. The property is 0.83 acres, located on the south side of Arthur Ave, approx. 300 ft. east of N. Atlantic Ave. (201 & 203 Arthur Ave., Cocoa Beach) (24V00003) (Tax Account 2435723) (District 2)

No public comment.

Dave Neuman made a motion to approve the variance requested as depicted on the survey provided by the applicant, seconded by Sonya Mallard.

Kevin McCann read aloud the six criteria for a hardship and explained the justifications for approving the variance.

Kevin McCann called for a vote on the motion as stated, and it passed unanimously.

Gary Lee Collar and Susan Collar Trust Variance of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-2118(d)(3), to permit a variance of 6.2 ft. over the 10.4 ft. projection permitted for a boat dock and watercraft moored at the dock in an EU (Estate Use) zoning classification. The property is 1.08 acres, located on the east side of South Tropical Trail, approx. 2,735 ft. north of Tropical Island Lane. (9020 S. Tropical Trail, Merritt Island) (24V00004) (Tax Account 2609578) (District 4)

No public comment.

Dr. Joanna Bass made a motion to approve the variance requested as depicted on the survey provided by the applicant, seconded by Sonya Mallard.

Kevin McCann read aloud the six criteria for a hardship and explained the justifications for approving the variance.

Kevin McCann called for a vote on the motion as stated, and it passed unanimously.

Ronald Robin Variance of Chapter 62, Article VI, Brevard County Code, Section 62-1446(d)(7), to permit a variance of 5.2 ft. from the 10-ft side (north) setback required for an accessory structure in a PUD (Planned Unit Development) zoning classification. The property is 1 acre, located on the east side of Turtle Mound Rd., approx. 1,190 ft. north of Turkey Point Dr. (4283 Turtle Mound Rd., Melbourne) (24V00006) (Tax Account 2614560) (District 4)

No public comment.

Dr. Joanna Bass made a motion to approve the variance requested as depicted on the survey provided by the applicant, seconded by Sonya Mallard.

Kevin McCann read aloud the six criteria for a hardship and explained the justifications for approving the variance.

Kevin McCann called for a vote on the motion as stated, and it passed unanimously.

Kevin and Torri Downs Variances of Chapter 62, Article VI, Brevard County Code as follows, 1.) Section 62-1339(5)(b) to permit a variance to allow an accessory structure to be located forward of the front building line of the principal structure; 2.) Section 62-1339(5)(b) to permit a variance to allow an accessory structure to be located forward of the front building line of the principal structure; and 3.) Section 62-1339(5)(b), to permit a variance of 5.2 ft. from the required 10-ft. side (south) setback for an accessory structure (tennis court) in an EU (Estate Use) zoning classification. The property is 2.86 acres, located on the west side of South Tropical Trail, approx. 700 ft. south of Pineda Causeway. (8505 S. Tropical Trail, Merritt Island) (23V00033) (Tax Account 2606220) (District 4)

No public comment.

Dr. Joanna Bass made a motion to approve the variances requested as depicted on the survey provided by the applicant, seconded by Sonya Mallard.

Kevin McCann read aloud the six criteria for a hardship and explained the justifications for approving the variance.

Kevin McCann called for a vote on the motion as stated, and it passed unanimously.

O’Kane Family Trust (Gwyn & Anne O’Kane) 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 ft. from the north 7.5-ft. side setback required for a boat dock and watercraft; 2.) Section 62-2118(d)(2), to permit a variance of 7.5 ft. from the south 7.5-ft. side setback required for a boat dock and watercraft; and 3.) 8 ft. over the 16-ft. projections (20% of canal width) permitted for a boat dock and moored boat in an RU-1-13 (Single-Family Residential) zoning classification. The property is 0.61 acres, located on the west side of Bay Shore Dr., approx. 550 ft. northwest of West Point Dr. (1732 Bay Shore Dr., Cocoa Beach) (24V00005) (Tax Account 2519529) (District 2)

Public Comment

Detailed public comment available under official recording or upon request.

Dave Neuman made a motion to approve the variances requested as depicted on the survey provided by the applicant, seconded by Dr. Joanna Bass.

Kevin McCann read aloud the six criteria for a hardship and explained the justifications for approving the variance. Kevin McCann called for a vote on the motion as stated, and it passed unanimously.

Upon consensus, the meeting adjourned at 5:07 p.m.