

Board of Adjustment

The Board of Adjustment met in regular session on **Wednesday, April 16, 2025**, at **1:30 p.m.**, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida.

The meeting was called to order at 1:30 p.m.

Board members present were Sonya Mallard (D1-Chair), Bruce Moia (D2), Stephen Holmberg (D3-Vice Chair), Bill Huffman (D5), and Dr. Joanna Bass (D4)

Staff members present were Greg Hughes, Assistant County Attorney; Trina Gilliam, Interim Zoning Manager, Paul Body, Planner; Kristen Champion, Planner; Alice Randall, Operations Support Specialist, and Jordan Sagosz, Operations Support Specialist

Approval of the March 19, 2025, BOA Minutes

Motion by Bill Huffman, seconded by Stephen Holmberg, to approve the BOA minutes of March 19, 2025. The motion passed unanimously.

Item H.1. Aubri Lucille Williamson requests two variances of Chapter 62, Article VI, Brevard County Code for a principal structure in a RU-2-10 zoning classification. (24V00049) (Tax Account 2743715) (District 5)

Paul Body read the item into the record.

Nathan Meloon, representing the applicant spoke to the application. My client's property is located on the corner of Franklin and North Palm Avenue in unincorporated Indialantic is the only one in the area that is zoned RU-1-9 and we want to do a rezoning, but this is a pre-requisite for that. We want to undo what looks to be spot-zoning and have consistency with the area. I'll have my client go into her application.

Aubri Williamson stated the front and back of the property don't align with the rezoning they're looking for and probably didn't align when the house was built back in the 1950s. We want to maintain the integrity of the neighborhood and be consistent.

Bill Huffman stated he sees no problems with this and has no objections to it. He said he's impressed there's a letter from the neighbor saying she has no problem with it. There is already a hedge and a fence at the street line and doesn't seem to be a traffic hazard with sight line.

Public Comment

Rosemarie Sauer-Carr stated she owns the property right next door. Her concern is Franklin Avenue is a residential street. There are rentals, including her duplex, which has two tenants that have been there a long term. She said it is her understanding that the primary motivation for the change is to make it a short-term rental. She said they're opposed to that. She said the property is listed for rent at \$3,300.00.

Mr. Holmberg asked about the zoning in the area and asked if the long-term renters were in a duplex or a house.

Ms. Sauer-Carr said it appears her duplex is zoned RU-2-10 with long-term renters. If you go around the neighborhood it's the same, long-term renters or residential owners. There's another duplex that was built at the same time as theirs with renters on the same street.

Mr. Huffman asked what restricts your property from being used as a short-term rental.

Ms. Sauer-Carr stated she's never looked into it and has no intentions of doing that.

Mr. Huffman asked if she could turn it into a short-term rental.

Paul Body said yes, if she wanted to. The multi-family zoning classification allows for resort dwellings, it is a commercial use. You would have to get a Business Tax Receipt and have it registered with the state.

Beth Clause said she lives next door to the property. She is here today because of the protected animals on the property. There are Eastern Screech Owls that are nesting right now. They are protected by the Federal Migratory Bird Treaty and FWC. There are other birds over there as well. Her concern is what will happen to these birds when construction happens.

Ms. Mallard asked for clarification on which property do the birds live.

Ms. Clause stated on the applicant's property. She had pictures of the owls that live on the property. She stated it's illegal to mess with the birds, their nests, and their habitat. Owls have already disappeared from the property that lived in a shed that was torn down.

Ms. Mallard asked if the owls were living in the tree and what is has to do with the applicant's home.

Ms. Clause stated the tree is on the applicant's property and when they do construction, they'll have to take trees out and the construction will disrupt the nesting and habitat.

Ms. Mallard asked if they were removing trees.

Ms. Clause said even if they don't, the construction itself will disturb the animals.

Mr. Holmberg asked if she had contacted FWC.

Ms. Clause stated she has and hasn't received a response. She said there were permits they could get but they must meet certain requirements. We've also sent information to the state of Florida and one of the universities that studies the owls.

End Public Comment.

Mr. Meloon stated we want to be treated the same as the property owner next door. Anything the witness said about what my client intends to do is speculation. The fact it's listed as a long-term rental should show what the intention is. As far as the owls go, there are no plans to do construction. We want to keep owls. The County ordered the shed be removed and there were no owls at the time of removal.

Mr. Huffman stated your intentions are not to replace or remove the primary structure. The application says you're trying to legitimize what's there now.

Ms. Williamson said yes. We love the house and area. We've spent a lot of time renovating the inside. We have no intentions to take down any trees. We did remove the shed because the location wasn't compliant with code.

Bruce Moia asked if the variance is for the proposed zoning, not the existing zoning.

Mr. Body stated that's correct.

Mr. Moia stated they were just there to talk about the variance, not the proposed zoning. That would be heard by a different board.

Mr. Body said that's correct.

Motion to approve the Item H.1. by Bill Huffman, seconded by Bruce Moia. The motion passed 4:1.

Item H.2. This item was moved under item H.6.

Item H.3. Thomas G. and Michelle D. Shrader request variances of Chapter 62, Article VI, Brevard County Code for an accessory structure and a detached garage in a RU-1-11 zoning classification. (25V00004) (Tax Accounts 2801759, 2801758 and 2801768) (District 5)

Paul Body read the item into the record.

Thomas Shrader spoke to the application. He is requesting a variance for a chicken coop and accessory structure. His plan is to build a large garage to store cars, a boat, and an RV. They reached out to neighbors and got signatures from five neighbors and asked them to contact him for any questions or concerns and he received no contact.

Mr. Huffman stated the property is isolated and he didn't have any objections to it. He said it was good he had documentation from the neighbors who didn't have any negative response.

Mr. Shrader stated the neighbors were told what we planned to do. We got signatures and no one had any concerns. The property is well wooded so nobody will see the building.

Dr. Joanna Bass asked how he would access the property with cars. She asked if he would be putting a driveway in later. Would he be cutting down trees.

Mr. Shrader said there's a dirt road we drive down the edge of the lot along the tree line. Not cutting down any trees.

Dr. Bass asked if he's just going to drive on the dirt.

Mr. Shrader said yes.

Mr. Holmberg asked how close the drain field is to the new structure.

Mr. Shrader there's no drain field. The property drains down the road into a drainage canal.

Mr. Moia asked how many variances were being requested.

Mr. Body said two. One for the setback to the chicken coop and the other for being over 50% of the living area of the principal structure.

Mr. Moia asked if that was an unusual request.

Mr. Body said no, we get those often.

Mr. Moia asked if the neighbor to the north was fine with the chicken coop being where it is.

Mr. Shrader said yes. The owner passed away, but her son comes to the property every couple of weeks and he's aware of it.

Mr. Moia asked if his signature was on the letter.

Mr. Shrader said he spoke to him about the variance, but he didn't have a letter to give him.

No public comment.

Motion to approve Item H.3. by Bill Huffman, seconded by Stephen Holmberg. The motion passed unanimously.

Item H.4. Alfonso Liberatore and Diane M. Carlucci (Troy Douglas) request a variance of Chapter 62, Article VI, Brevard County Code for the principal structure in a TRC-1 zoning classification. (25V00006) (Tax Account 3002455) (District 3)

Paul Body read the item into the record.

Troy Douglas spoke to the application. We're requesting a variance for a structure that was built into the front setback. This was a mistake during the building process, and they want to keep the structure as it is and not have to tear it down.

Mr. Moia asked if the structure was the carport or utility room.

Mr. Douglas said it's both, it's across the whole front.

Mr. Holmberg asked if this was his house.

Mr. Douglas said no, I'm just the builder and representing the homeowners. I believe one of the survey stakes were offset and so the structure was measured one foot into the front setback. It was a human error.

No public comment

Motion to approve Item H.3. by Stephen Holmberg, seconded by Bruce Moia. The motion passed unanimously.

Item H.5. Patrick John Campbell and Kelly Martin Campbell request a variance of Chapter 62, Article VI, Brevard County Code for a dock in a RU-2-15 zoning classification. (25V00007) (Tax Account 2606759) (District 4)

Paul Body read the item into the record.

Kelly Campbell spoke to the application. She stated they purchased the property in January. The property is on a canal and has a dock that has been there for 40 years. We wanted to have our boat on the canal. We put in an application for a permit and submitted a survey. We were told the side setback did not adhere to the 7.5-foot setback. Our neighbor has lived there a very long time, they don't have any problem. We have a letter from them in support of our request to put in a boat lift. The boat lift wouldn't be touching the dock. It would be on the other side closer to the middle of our property.

Patrick Campbell wanted to clarify that the variance is for the dock which is supposed to be 7.5-feet from the property line and it's about 1 foot. We just want that to stay where it is and not have to move it. That is the hold up to getting our permit approved for the boat lift.

Dr. Bass stated she looked at the drawing and this request equates to an 85% deviation from what code allows. You're within your property and not hanging over.

Ms. Campbell responded it's in our property line. It's just not the 7.5-foot setback. Nothing is crossing the line. It's just a little close.

Dr. Bass said she was glad to hear they asked the neighbor because I was going to ask if they had any concerns.

Mr. Holmberg asked if there was going to be a new structure or if everything was staying the same.

Ms. Campbell said the existing dock is staying the same. The pylons are going to be put in next to the dock, not attached to it.

No public comment.

Motion to approve Item H.5. by Dr. Joanna Bass, seconded by Stephen Holmberg. The motion passed unanimously.

Item H.6. Kenneth Robert Crawford and Diana Sue Crawford Trustees request a variance of Chapter 62, Article VI, Brevard County Code for a swimming pool screen enclosure in a RU-1-13 zoning classification. (25V00008) (Tax Account 3024933) (District 3)

Paul Body read the item into the record.

Kenneth Crawford spoke to the application. We are asking for a variance to install a pool screen enclosure. We have documentation of approval from our HOA vacating 6 feet from the 10 feet private drainage easement. We have signatures from residents on both sides of our home. We have spoken to other neighbors farther out left and right, there are no neighbors behind us. We have an additional 20 feet of easement behind our property, so drainage is not an issue.

Mr. Holmberg asked which development this was.

Mr. Crawford stated it was the Lakes of St. Sebastian.

Mr. Holmberg asked if they had anything from the HOA.

Mr. Crawford said it was in the package.

Mr. Holmberg said the HOA has no problem with this.

Diana Crawford said right, it's a private easement in the back. When we started with the pool, they gave us 5 feet and we found out there was a measurement error by the pool company. We went back for an additional foot. They have released 6 feet of the easement; it is in writing.

No public comment.

Motion to approve Item H.6. by Stephen Holmberg, seconded by Dr. Joanna Bass. The motion passed unanimously.

Item H.2. Susanne K. Cook, Trustee requests two variances of Chapter 62, Article VI, Brevard County for an accessory structure and principal structure in a RU-1-13 zoning classification. (24V00053) (Tax Account 2431745) (District 2)

Paul Body read the item into the record.

Joseph Bachand, representative for applicant, spoke to the application. He explained there is a shed on the property and Ms. Cook didn't understand that the shed was encroaching on the setback. He said she's here in good faith to get this resolved and this would present a hardship for her if she had to remove the structure. I have an engineer here to testify as well. He asked Ms. Cook if the pictures she submitted to the board show the current condition of the shed.

Ms. Cook said yes.

Mr. Bachand showed her several pictures and asked her to explain what they showed.

Mr. Bachand asked when she completed the shed.

Ms. Cook said 2 years ago.

Mr. Bachand asked the engineer to give background on his education.

Ed Shinskie said he has a degree in structural engineering and has been in Brevard County the whole time and he is licensed in Florida.

Mr. Bachand asked if he had inspected the shed, issued a report, and provided the report to the board and if he could summarize what he observed.

Mr. Shinskie said the concrete slab was existing and he inspected the framing. Everything he saw meets current code and is structurally sound. The inspection was done February 11th, 2025.

Mr. Huffman asked if a building permit was drawn for the shed.

Mr. Bachand said there was no permit pulled.

Mr. Huffman asked if that was the reason for all of this, because it didn't have a county inspection

Mr. Bachand said yes.

Public Comment

Kevin Radlein stated he's the pastor for the church on the right of the property next to the applicant's property. He stated we have no problem with it.

End Public Comment.

Mr. Moia asked when the shed was constructed.

Mr. Bachand said in 2023.

Mr. Moia said it's attached to the house; it doesn't even look like a shed. It looks nice. He asked why a permit wasn't pulled.

Mr. Bachand said they intended on fixing the original shed but realized it couldn't be fixed. It was demolished and replaced. The applicant didn't know a permit was needed.

Mr. Body explained the building department doesn't require a permit if an accessory structure is under 100 sq. ft. This structure is on concrete, that's why a permit is needed.

Mr. Moia asked if a building permit has been filed.

Mr. Body said no.

Mr. Moia asked if this was under code enforcement.

Mr. Body said no. They were trying to build a guest house, and this came up.

Motion to approve Item H.2. by Bruce Moia with a condition that a building permit is obtained.
Seconded by Bill Huffman. The motion passed unanimously.

Item H.7. Christopher V. and Susan E. Tidball (Kimberly Rezanka, Lacey Lyons Rezanka) request a variance of Chapter 62, Article VI, Brevard County Code for a detached garage in an EU zoning classification. (25V00009) (Tax Account 2317644) (District 1)

Paul Body read the item into the record.

Kim Rezanka, representative for the applicant, spoke to the application. The applicants are requesting a variance of 6.5-feet from the 15-foot side setback. She stated the applicants purchased the home in 2020 and the house was built in the 1950s located 3.2 miles north of 528. She stated this lot is wider than some in the area. It's next to an undeveloped right-of-way that is used by the county for drainage. This variance is to cure an encroachment of a detached garage which has been there

since 1989, and it would allow them to renovate their home. She showed different pictures of the house depicting what the current home looks like and the proposed renovations to the house. She said the property owners maintain the eastern portion of the right-of-way. She said there is a drainage structure there, but it's not traveled, and they tried to vacate it, but the County wouldn't allow it. She also showed more pictures of properties which have a structure near an unimproved right-of-way. The neighborhood will benefit from better aesthetics and increased home value. There is no objection from the neighbor to the north.

Mr. Moia stated it is a corner lot and he asked what the variance was specific to.

Ms. Rezanka said the north property line.

Mr. Huffman asked is this on Indian River Drive where they're fighting to protect the trees.

Ms. Rezanka said she didn't know; she thinks it's a little further south.

Dr. Bass said she was thinking the same and wondered if this had any effect on the Indian River which she didn't think it did.

No public comment.

Motion to approve Item H.7. by Dr. Joanna Bass. Seconded by Bruce Moia. The motion passed unanimously.

Item H.8. Thang V. and Hang N. Tran request two variances of Chapter 62, Article VI, Brevard County Code for a principal structure RU-1-9 zoning classification. (25V00010) (Tax Account 2611578) (District 4)

Thang Tran spoke to the application. He purchased the house back in November and wanted to remodel before he moved in. He stated the house was built in 1963. He wants to maintain this variance so he can add more grass and room in the back.

Dr. Bass stated you said it wouldn't negatively affect the neighbors and had recommendations from the neighbor. She said her concern is always the impact to the Indian River, but this won't impact the river.

Public Comment

Bradely Sinclair said he lived at the property next to the applicant's property. He stated he thinks the request is written backwards. He said the applicant is asking for a variance of 5.8-feet from the 7.5-foot setback, but it should be 1.7-feet from the 7.5-feet. He said the applicant is just trying to maintain what's there, but he doesn't want the variance to be written so he can build up to 1.7-feet from the property line. He didn't know if he was correct in his conclusion.

Mr. Body stated the first one should be 5.9-feet from the required 7.5. It may have been taken from the first measurement of 1.7 instead of 1.6 which is closer. It should be 5.9.

Mr. Sinclair asked if that allows the applicant to build 5.9-feet further over so he would be 1.7 from the property line.

Mr. Body said no, the distance is 1.6 off the property line. The applicant is trying to legitimize what's there. If he is doing another addition, he would have to bring it back in.

Kristen Champion clarified the survey shows the existing home is 1.6-feet off the property line. This is just legitimizing the setbacks for the existing home. The addition is not proposed out that far.

Mr. Sinclair said he still thinks the wording is backwards and the variance will allow him to go further out.

Mr. Moia said the south should be 5.5.

Mr. Body explained the applicant is requesting the variance as what's shown on the survey and added it will be approved based per the survey. It can't differ any more than the survey that's provided.

Dr. Bass asked if the survey was accurate.

Mr. Body said yes.

Esther Tomcykoski said she lives on the north side of the applicant. She explained she had the same question. She said the structures there now are about 1.7-1.8 off the property line. There's a fence and palm tree that encroach on the property line. If I wanted to improve the property and put a fence up, I want to make sure it was the 5-foot going back and staying 20-feet from the water to preserve the view.

Mr. Body said it's going to be just as its proposed on the survey, he has additions proposed on that.

Ms. Tomcykoski said right, they don't go to the 1.8. They're 5-feet in.

Mr. Body said it looks like 5-feet on the north side and 6.1 on the south through the rear addition and 4.7 on the front and 5.9 on the garage to the north.

Mr. Sinclair asked about the rear proposed addition and the distance from the river. The applicant has proposed to build towards the river.

Mr. Body said the applicant's property line goes to the river. It will be 30-feet from the river.

Mr. Moia asked if the applicant needs a variance for the existing structure and proposed structure. He asked if they get a variance for the whole property line for new and existing structures. He asked if they could build closer to the property line.

Mr. Body said no, it's as proposed on the survey.

Mr. Moia asked if it could be approved per the survey or approve only for what's existing and not what's proposed.

Mr. Body said yes.

Motion to approve Item H.8. by Dr. Joanna Bass. Seconded by Stephen Holmberg. The motion passed unanimously.

Item H.9. Antony F. and Beth Marie Meggs request a variance of Chapter 62, Article VI, Brevard County Code for a principal structure RU-2-10 zoning classification. (25V00011) (Tax Account 2615555) (District 2)

Paul Body read the item into the record.

Tony Meggs spoke to the application. He stated they were asking for the variance to build a home to accommodate aging parents and protect an oak tree on the property. Our front lot line has a curve, and it causes the proposed house to sit a little bit in the setback. We also built a seawall in the back and wanted to save the mangroves. The seawall had to be built more inward, so we lost some land there. We met with our neighbors and everyone we met with had no objections.

Mr. Holmberg asked if the house was built.

Mr. Meggs said no and they wouldn't be any closer to the curve than the other homes in the neighborhood.

Dr. Bass said thank you for your environmental considerations.

No public comment.

Motion to approve Item H.9. by Bruce Moia. Seconded by Dr. Joanna Bass. The motion passed unanimously.

Item H.10. Teresa L. and Stephen G. Holland request a variance of Chapter 62, Article VI, Brevard County Code for required living area in a TR-1 zoning classification. (25V00013) (Tax Account 2100634) (District 1)

Paul Body read the item into the record.

Teresa Holland and Stephen Holland spoke to the application. They explained their mobile home was destroyed during Hurricane Milton last year. She said that when a home is over 10 years old you cannot get insurance. She said they bought a tiny house. She also said there are a few neighbors who are not happy with what they did. They're supporting their child and grandchildren.

Ms. Mallard asked if the house was on the property now.

Ms. Holland said yes, she made a mistake. She didn't know everything had to be permitted. She came to pull the permits but was told the house doesn't meet the required square footage.

Ms. Mallard asked which neighbors were complaining and if there were any letters supporting the applicants

Ms. Holland said one was on the right and the other is diagonal. No letters supporting it. We just want to put our tiny house there and live.

Mr. Huffman asked about not being able to get insurance after 10 years.

Ms. Holland said no, mobile homes over 10 years old won't be insurable.

Mr. Holland said they asked an insurance agent.

Ms. Holland said it's not feasible.

Mr. Huffman asked if it's not economical.

Ms. Holland said you can't get it.

Public Comment

Melissa Shalosky is the applicant's sister, and she said they have done extensive work on her property. She explained before everything was torn down the applicant and her family were living in black mold. They had to replace the floor in pieces. She said the neighbors and applicant used to be friendly. The applicant wants to put another bedroom on the home to accommodate her grandchildren and she would do that according to code. She didn't mean to break any rules.

Mr. Holmberg stated you say the neighbors don't like the current situation. He asked if any of them were here.

Ms. Shalosky said no.

Motion to approve Item H.10. by Dr. Joanna Bass. Seconded by Stephen Holmberg. The motion passed 4:1.

The meeting was adjourned at 3:26 p.m.