

Board of Adjustment

The Board of Adjustment met in regular session on **Wednesday, July 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 Stephen Holmberg (D3-Vice Chair), Dr. Joanna Bass (D4), and Bill Huffman (D5-Acting Chair).

Staff members present were Greg Hughes, Assistant County Attorney, Sarah Joiner, Intern for County Attorney's Office; Trina Gilliam, Zoning Manager, Paul Body, Planner; and Jordan Sagosz, Operations Support Specialist.

Approval of the June 18, 2025, BOA Minutes

Motion by Dr. Joanna Bass, seconded by Stephen Holmberg, to approve the BOA minutes of June 18, 2025. The motion passed unanimously.

Item H.1. Devereux Behavioral Health (Jacob T. Nescio) requests a variance of Chapter 62, Article VI, Brevard County Code, for the fence height in an IN(H) zoning classification. (25V00023) (Tax Account 2601308) (District 4)

Paul Body read the item into the record.

Wendell Normile spoke to the application. He started by saying he is the administrator at Devereux and explained a little bit about the facility. He said it is a private, non-profit organization that provides behavioral health and therapeutic services to children primarily. He explained it's a 55-acre facility and has been at that location since 1987. He said when the facility was built, there wasn't anything in the area. The facility is now surrounded by businesses and other locations. The reason for our request is for the kids' safety, they are high-risk kids. The priority is keeping the kids safe in our facility.

Dr. Joanna Bass said she toured the fence line. It is well documented that after an escape the sheriff's office is often called at night to help track the children and they have used the sheriff's helicopter to have lighting. It's dangerous for the kids and expensive for the taxpayer. She finished by saying it is for the safety of the children.

Stephen Holmberg asked if there were two separate facilities for people that have autism and people that have behavioral problems. They're two different things.

Mr. Normile said yes and no. We have units for developmental disabilities and units for emotional behavioral disorders. There are some kids that are more in-between and have a combination of developmental disabilities and mental health issues.

Mr. Holmberg asked if the fence was going around the whole facility. Some children heal in different ways and if there aren't separate areas... He said he was confused by that. He asked if there had been any escapes recently.

Mr. Normile explained when kids are upset a lot of them will remain on property but there are two kids right now that are actively trying to run. He said we get that periodically, kids have been out on the streets, lived in dysfunctional homes, so that is like a coping skill for them. Having to address the issues can be hard for the kids.

Mr. Holmberg asked so you basically want to raise the fence two feet all around.

Mr. Normile said we did not have the fence previously, we filed for a building permit, and it was approved. When we filed for an extension, it was noted we needed a variance.

Mr. Holmberg asked about the type of fence and if the children could see through it.

Mr. Normile said it's not chain-link, it's a no climb fence. It's not intrusive. It's black with mesh, no barbed wire or sharp items. The kids can see through it.

Dr. Bass echoed saying it's not intrusive and is not able to be climbed.

No public comment.

Motion to approve Item H.1. by Dr. Joanna Bass, seconded by Stephen Holmberg. The motion to approve passed unanimously 3:0.

Item H.2. Peerless Vision Properties, LLC (Romia Goff) requests two variances of Chapter 62, Article VI, Brevard County Code, for maximum fence height and structure setback in a BU-2 zoning classification. (25V00025) (Tax Accounts 2426923 and 2426909) (District 2)

Paul Body read the item into the record.

Dr. Romia Goff spoke to the application. He explained the fence is to enhance safety, security, and privacy for their staff and patients. He said there is an overwhelming number of trespassers who cut through the property going from 520 to Magnolia. There is vandalization and inappropriate behavior which has been documented by camera. The police have been called on multiple occasions. There is parking below the building that his employees use in the early morning hours and evening hours. It can get very dark, and his staff is mostly women and work in the building by themselves. He said he and his wife go to the property on the weekend for general upkeep and there are trespassers there. He explained then they are asked to leave they get vulgar and aggressive. He said just last night there was a man there who had a pipe in his hand, and he took the power supply for the lights on the dock. He explained he must now buy new lights because he can't just buy the power supplies. He said the fence is an aluminum, non-opaque fence and will deter trespassers from walking through or parking under the building. He said there is a business and an apartment complex that have the same exact fence. He spoke to the Florida Department of Transportation and the Sheriff's department, and they had no reservations about the fence. He also spoke to MIRA, and they are in favor of the fence.

Bill Huffman asked about the parking underneath the building. Is it a two-story building.

Dr. Goff said it's a unique building. It's a three-story structure on stilts. There is no grass between the road and the building. You enter under on one side and exit from the other. Kids and adults on skateboards will cut through to go through the grass lot.

Mr. Huffman asked if he had applied for a building permit and if that's why he was here today.

Dr. Goff said yes, we spoke to permitting and they said he needed a variance. He said that people they spoke to told him the 4 ft. fence won't keep people from coming onto the property.

Mr. Huffman asked about the boat dock and if it was associated with the property.

Dr. Goff said it is.

Dr. Bass said she went to the property and asked where the fence was going to be.

Dr. Goff said it would be a direct replacement to what's already there.

Dr. Bass said so it won't protect the underground parking.

Dr. Goff said it would.

Dr. Bass asked how because when she went there it was total access in and out. There's no fence around there.

Dr. Goff explained that it's two properties and we're going to construct a fence in front of 455 Magnolia Avenue which is the property right next to it.

Dr. Bass said so you want the fence on two properties, that's not what this variance is asking for.

Dr. Goff said the person who helped him fill it out said that's what he needed to do and the person in permitting said the same thing. That's why there's two different tax accounts because they're two different properties.

Dr. Bass said that's why she's asking the question; she doesn't want to approve something that's not what's on the paper. You have four sides, one on State Road 520, one on Magnolia Avenue, one is on the driveway side, and the other is on the river side.

Dr. Goff said he applied for a variance to put a fence around the vacant lot, and it would be one complete fence around both lots.

Dr. Bass asked if it was going to be a chain-link fence and how high it was going to be.

Dr. Goff said it was an aluminum fence and it would be 5-6 ft. high.

Dr. Bass asked if it was solid aluminum.

Dr. Goff answered no, it's a non-opaque fence.

Dr. Bass brought up her concern about the traffic coming off Magnolia Avenue making a right-hand turn onto 520. The fence is on the left and it would be blocking the view.

Dr. Goff said it will not. The fence is see-through, and we spoke to the Florida Department of Transportation and MIRA about those concerns. The schools in the area on corners use the same style fence.

Dr. Bass brought up the mangrove trees behind the property on the river side. Those are endangered trees and need to be maintained by the County so there needs to be access to that.

Dr. Goff explained they were not placing a fence along the river. The gate would go across the driveways.

Dr. Bass mentioned there was a lot of electrical outlets under the building which can draw people to trespass. People can come plug in their phones.

Dr. Goff said yes.

Dr. Bass said she didn't think it was clear that the fence will be extended around the building. It appears that it was just the existing fence being replaced, not extending the existing fence.

Dr. Goff said in the reason for our request it says, to secure our office and the adjacent parking lot.

Dr. Bass said she didn't think the variance request covers what he's wanting to do. The extension of the fence takes care of the electrical outlets.

Mr. Huffman said he didn't see a sketch of the fence outline and he was confused about where the fence is. He asked if there was another survey.

Trina Gilliam let them know there was a survey showing the fence line in the supporting documents, but it wasn't sent with the packets because they were sent in after the fact.

Dr. Goff had a copy and showed the fence in the survey. He said MIRA wanted to see how close the fence would be to 520.

Dr. Bass said it still wasn't clear because it doesn't show the fence going along the river.

Dr. Goff said it won't be going along the river at all.

Dr. Bass asked how he would prevent trespassers from coming on.

Dr. Goff said there were a lot of trees.

Dr. Bass explained they were mangroves and they're easy to walk through. She said it only shows two sides.

Dr. Goff explained it's a three-sided fence.

Dr. Bass said it's not clear.

Mr. Huffman explained that there are additional documents that we're not seeing and that may be why it isn't clear.

Dr. Goff said he wasn't very concerned with the back of the building because the mangroves are thick, he said he couldn't get through them. He explained there's no way to keep people off the lot 100%, but to keep people from parking under the building a fence with a gate would cut down on traffic.

No public comment.

Motion to approve Item H.2. by Stephen Holmberg, seconded by Bill Huffman. The motion to approve passed unanimously 3:0.

Item H.3. David J. and Maria A. Hock request a variance of Chapter 62, Article VI, Brevard County Code, for required lot width in a BU-2 zoning classification. (25V00027) (Tax Account 2501293) (District 2)

Paul Body read the item into the record.

Maria Hock spoke to the application. She explained they wanted to construct an office building for their business. The structure was built in 1952, and the zoning code was established well after that which created a special condition on this property. The property has never had a conforming lot width for BU-2 zoning. The lot is 9,150 sq. ft. and the minimum for BU-2 is 7,500 sq. ft. and it is simply the shape of the lot that doesn't meet the requirements and why we need a variance. The MIRA board approved this variance with a unanimous 6:0 vote. She said they are excited to have the site improved. She shared a letter from their neighbor from the north who supports this variance.

Mr. Huffman asked if it was connected to another business in the area, it's not an extension.

David Hock said no.

Mr. Huffman stated it's a standalone building.

Ms. Hock said yes.

Mr. Huffman said it looks like there's a driveway from Azalea on the aerial map.

Ms. Hock said yes.

Mr. Huffman asked what the purpose of the building was.

Mr. Hock said it's an office building for cycle and transportation.

Dr. Bass said her only question was about the neighbor from the north and the applicants provided the letter of support, and her question is answered.

Mr. Huffman asked if the property was going to be fenced.

Mr. Hock said it was fenced already but he wasn't sure if it was theirs or his.

No public comment.

Motion to approve Item H.3. by Dr. Joanna Bass, seconded by Stephen Holmberg. The motion to approve passed unanimously 3:0.

Item H.4. Edwin J. Kouyoumjian requests a variance of Chapter 62, Article VI, Brevard County Code, for an accessory structure in an RRMH-1 zoning classification. (25V00028) (Tax Account 3006709) (District 3)

Paul Body read the item into the record.

Edwin Kouyoumjian spoke to the application. He explained he's here for a variance because he has an accessory structure in the front of the house. He said he put his house in the back of an acre lot and didn't know he couldn't put a structure in front of it without a variance. He said there's not enough room in the back. The structure houses tools and a motorcycle.

Mr. Holmberg said he went by the property and saw the man house towards the back and asked if the structure was the one in front of the pump house.

Mr. Kouyoumjian answered yes, it's a shipping container.

Mr. Holmberg asked how long it has been there.

Mr. Kouyoumjian said over 27 years. He said he bought the property in 2003.

Mr. Holmberg asked if there was any power to the structure.

Mr. Kouyoumjian said he has power just for lights and stuff. He said it runs off his main line. He said he needs to get the variance and then he can get the permits.

Mr. Holmberg asked what the code enforcement action was on this property.

Mr. Body said the code enforcement states the property has an RV with people living in it, electrical wiring from the main structure, the shipping container was put up without permits, and property owner is illegally dumping sewage in a shared ditch.

Mr. Kouyoumjian said this is what happens when you go up north and stay with your wife in the summertime.

Mr. Holmberg asked how long he has lived here.

Mr. Kouyoumjian responded most of my life.

Mr. Holmberg clarified he was asking about that address.

Mr. Kouyoumjian said he put the double wide on there in 2021 or 2022. He said he has two of his neighbors with him. He got the RV and the other stuff out of there; it took him over a month to clean everything up.

Mr. Holmberg asked if the code enforcement action has been cleaned up.

Mr. Kouyoumjian said yes, he was working with Mr. Amos.

Mr. Body said the house was purchased in 2004 and in 2020 it was quit claimed to him from his wife.

Mr. Holmberg asked if there are photographs for the entire property.

Mr. Body said he didn't think so, but there may be pictures with the code enforcement case.

Mr. Kouyoumjian said the code enforcement has been taken care of.

Ms. Gilliam said the case is still active and the last action was a second extension request.

Mr. Huffman said so the request is because the accessory structure is forward of the main structure.

Mr. Body said yes.

Public Comment

David Lunn spoke in favor of the application. He explained the applicant was gone for a little bit of time and the person that was taking care of the property just kind of... the RV and everything has been cleaned up. The place is looking better.

End public comment

Motion to approve Item H.4. by Stephen Holmberg, seconded by Dr. Joanna Bass. The motion to approve passed 2:1.

The meeting was adjourned at 2:52 p.m.