

BOARD OF ADJUSTMENT MINUTES

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, March 20, 2019, in the Commission Chambers, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, with Chairman George Bovell presiding, to consider the following requests:

Board members present were: Jack Higgins, District 1; Michael Hartman, District 2; Dale Rhodes, District 3, Vice Chairman; George Bovell, Chairman, District 4; and Dale Young, District 5.

Staff members present were: Alex Esseesse, Assistant County Attorney; Paul Body, Planner I; and Jennifer Jones, Office Assistant II.

The Chairman, George Bovell, called the meeting to order at 1:30 p.m.

Paul Body explained the function of the Board of Adjustment; Dale Rhodes explained the definition of a hardship; and George Bovell explained the procedures of the Board of Adjustment.

All speakers were sworn in by the Chairman at the beginning of each item.

Approval of February 20, 2019, Minutes

Motion by Jack Higgins, seconded by Michael Hartman, to approve the February 20, 2019, minutes. The motion passed unanimously.

All applicants and speakers were sworn in by the Chairman before providing testimony.

1. (19PZ00007) Nick P. and Lauren Taylor Slaughter:

Request for a variance of Chapter 62, Article VI, Brevard County Code, Section 62-2100.5(1)(d), to permit a variance of 159 square feet over 1,041 square feet (50% of the living area of the principal structure) allowed for an accessory building, in an RU-1-11 (Single-Family Residential) zoning classification, on 1.01 acres, located on the eastside of Newfound Harbor Drive, and approximately 1,915 feet south of Cutter Court (District 2) (2642 Newfound Harbor Drive, Merritt Island)

Nick Slaughter, 2642 Newfound Harbor Drive, Merritt Island, stated they are asking for the variance in order to build a 40-foot by 40-foot accessory building. He said the building would be one of the smallest accessory buildings on the street.

Michael Hartman noted that the building would not be visible from the street because there are trees along the street. Mr. Slaughter stated the building would be visible from the street because some of the trees are gone since Hurricane Irma. Mr. Hartman stated according to the aerial map, there are some buildings as large as 1,600 square feet on other properties, so it looks like what Mr. Slaughter wants would fit in with the character of the neighborhood.

George Bovell stated he agrees with Mr. Hartman.

No public comment.

Motion by Michael Hartman, seconded by Dale Rhodes, to approve the variance as depicted on the survey provided by the applicant. The vote was unanimous.

2. (19PZ00011) – Martin and Kathleen Murphy:

Request for a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1405(6)(a), to permit a variance of 17 feet from the required 20-foot front setback for a principal structure, in a TRC-

1 (Mobile Home Cooperative) zoning classification, on 0.12 acres, located on the west side of Oleander Circle, approximately 300 feet north of Floral Drive. (District 3) (822 Oleander Circle, Barefoot Bay)

Martin Murphy, 822 Oleander Circle, Sebastian, stated he would like to clarify that he is asking for a variance of 7 feet, not 17 feet.

Paul Body stated the Code requires a 20-foot setback from the front property line; there is a blanket variance for Barefoot Bay for 10 feet, but there cannot be a variance to variance, so the request has to be for what is written in the Code, which is 20 feet.

Martin Murphy stated he would like a small porch on the front of his house; it will be 10 feet deep and 18 feet wide. He said they have no outdoor space and the front of the house is the only place available for any outdoor space. His wife has medical issues that prevent her from being outside for periods of time. He said with the distance from the curb being 26 feet he doesn't feel there should be a problem granting the variance.

Dale Rhodes asked if the Barefoot Bay Association, and the adjacent neighbors, agree with the variance. Mr. Murphy replied yes, he has signatures from almost everyone on the whole block. Mr. Rhodes asked if the carport on the side of the house is enclosed. Mr. Murphy replied no, it is open.

Public Comment

Richard Pinto, 818 Oleander Circle, stated he is in favor of the variance, it will add value to Mr. Murphy's property, as well as all of Barefoot Bay.

Motion by Jack Higgins, seconded by Dale Rhodes, to approve the variance as depicted on the survey provided by the applicant. The vote was unanimous.

3. (19PZ00020) Clyde Chapman and Janet Suarez:

Request for variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1405(6)(a), to permit a variance of 0.5 ft. from the required 7.5-ft. side (east) setback for a principal structure; 2.) Section 62-1405(6)(a), to permit a variance of 7.8 ft. from the required 15-ft. rear (south) setback for a principal structure; 3.) Section 62-1405(6)(a), to permit a variance of 1.1 ft. from the required 7.5-ft. side (west) setback, for a principal structure, in a TRC-1 (Mobile Home Cooperative) zoning classification, on 0.09 acres, located on the south side of Hawthorn Circle, approximately 215 feet west of Midway Street. (District 3) (909 Hawthorn Circle, Barefoot Bay)

Janet Suarez Chapman, 16064 Whippoorwill Circle, Loxahatchee Groves, Florida, stated they had installers put in their mobile home, and when the final survey was requested it was discovered that the home was installed outside of the setbacks.

Dale Rhodes stated he assumes the installers used the information given to them by the Barefoot Bay Association rather than looking at the County requirements. Ms. Chapman stated that is correct. Mr. Rhodes stated he has no further questions for the applicants.

No public comment.

Motion by Dale Rhodes, seconded by Michael Hartman, to approve the variance as depicted on the survey provided by the applicant. The vote was unanimous.

3. (19PZ00021) Kirby L. and Tammy W. Howell:

Request for a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1341(5)(a), to permit a variance of 4 ft. from the required 20-ft. front setback for a principal structure, in an RU-1-11 (Single-Family Residential) zoning classification, on 0.25 acres, located on the south side of Sea Dunes Drive, approximately 185 ft. west of Highway A1A. (District 3) (135 Sea Dunes Drive, Melbourne Beach)

Tammy Howell, 135 Sea Dunes Drive, Melbourne Beach, Florida, stated they applied for a building permit for a garage extension, but because the house was built in the 1950's it has a setback that was established prior to today's setback of 20 feet. She said the variance would allow them the 4-foot difference so that it can align with the house.

Dale Rhodes stated he visited the property and he doesn't see a problem with the request because the garage will meet the front of the house and it will make it look better, and it would be in accordance with the other properties in the area.

Public comment:

Carolyn McDougal, 145 Sea Dunes Drive, Melbourne Beach, Florida, stated she lives to the west of the Howell's, and the extension to the garage that they are requesting will not impede her view, and she does not have an issue with granting the variance.

Motion by Dale Rhodes, seconded by Jack Higgins, to approve the variance as depicted on the survey provided by the applicant. The vote was unanimous.

5. (19PZ00022) Loyal Order of the Moose Lodge No. 2073, Inc. (Jonathan Skinner):

Request for variances of Chapter 62, Article IX, as follows: 1.) Section 62-3316(h)(4)(c), to permit a freestanding pole sign that is not encased with a structure that is architecturally related to and compatible with the main building and overall architectural design of the development; 2.) Section 62-3316(h)(4)(f), to permit a sign with internal lighting, in an IN(L) (Institutional Use, Low-Intensity) and RVP (Recreational Vehicle Park) zoning classifications, on 10.11 acres, located on the east side of North Courtenay Parkway, approximately 240 feet north of Smith Road. (District 2) (3150 North Courtenay Parkway, Merritt Island)

Johnathan Skinner, 984 Nicklaus Drive, Rockledge, Florida, stated he is the contractor for the Moose Lodge, and sign the variances requested is not new construction; there is an existing sign that has been damaged during the last couple of hurricanes. He said the existing poles and foundation will be used with the new sign. The current sign is over 20 feet tall and 112 square feet of copy, and it doesn't match the aesthetics of the building, and the new sign will be much shorter, the lights will be lower, and no residences will be in the direct line of sight with the lighting, and it will match the trusses of the building so that it is more aesthetically pleasing.

Michael Hartman stated he agrees with the variance as the current sign has been beaten up by the hurricanes, and the new sign will be a great improvement.

Jack Higgins asked if the new sign will face traffic. Mr. Skinner replied it will face north and south. Mr. Higgins said that could impede traffic, different colored bright lights can cause a disturbance.

Dale Young asked if the variance is for the illumination of the sign. Paul Body stated the sign ordinance for north of the Barge Canal has illuminations, and also that signs are to be boxed in, specifically for State Road 3, north of the Barge Canal.

Dale Rhodes asked if the engineer report states that the sign will be safe and secure. Mr. Skinner replied the boxing-in of the sign is for aesthetics, it still has to have, per engineering, two steel pipes going so many feet into the ground.

No public comment.

Motion by Michael Hartman, seconded by Dale Rhodes, to approve the variances as depicted on the plans provided by the applicant. The vote was unanimous.

6. (19PZ00023) Joseph and Ruth S. Kaplet (Edward Springer, IV):

Request for a variance of Chapter 62, Article VI, Section 62-1482(5)(a)(2), to permit a variance of 20 feet from the required 25-foot front (west) setback, in a BU-1 (General Retail Commercial) zoning classification, on 1.13 acres, located on the east side of N. Courtenay Parkway, approximately 0.21 mile south of East Crisafulli Road. (District 2) (5780 North Courtenay Parkway, Merritt Island)

Edward Springer, IV, 5135 Mallard Lakes Court, Merritt Island, Florida, stated he and his wife are the contract purchasers representing the owners. He said while doing their due diligence it was discovered that the property does not meet the current setback requirements. They would like to use the existing structure in its current footprint, so they are asking for a 20-foot variance to the existing front setback requirement.

George Bovell asked staff if changes will be made to the property.

Paul Body replied yes, the applicants have an upcoming rezoning request for commercial, so the variance requested is for the requested commercial zoning, not the current zoning.

Mr. Springer stated the uses they would like to do on the property require commercial zoning.

Michael Hartman stated what they are looking at is the fact that it has been zoned agricultural, and now it is being changed to commercial, which is why they need the variance. He said they will be making the building look better because they will be updating it.

Mr. Springer stated the risk is that if something happens and they do not get the rezoning, they will have to meet the current setbacks, and insurance becomes an issue when you have to build to the new zoning requirements.

Mr. Body stated the building is nonconforming now because some of the property was taken for the right-of-way for State Road 3.

Mr. Rhodes asked what the uses will be on the property. Mr. Springer replied it is partially for investment purposes, and he'd like to do light automobile, sports cars, and hobbies in the rear of the property.

Board of Adjustment Minutes

March 20, 2019

Page 5

Cara Springer, 5135 Mallard Lakes Court, Merritt Island, Florida, stated she is a physical education teacher and a running coach, and she is looking to bring more fitness to the North Merritt Island area.

No public comment.

Motion by Jack Higgins, seconded by Michael Hartman, to approve the variance as depicted on the survey provided by the applicant. The vote was unanimous.

Upon consensus, the meeting adjourned at 2:07 p.m.