

BOARD OF ADJUSTMENT MINUTES

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, January 22, 2020, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, with Chairman George Bovell presiding, to consider the requests below:

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

Staff members present were: Justin Caron, Assistant County Attorney; Paul Body, Planner II; and Jennifer Jones, Special Projects Coordinator.

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

Chairman and Vice Chairman Nominations

George Bovell nominated Dale Rhodes as Chair. Motion by Michael Hartman, seconded by Dale Young to approve the nomination. Hearing no other nominations, Mr. Rhodes accepted the nomination.

Mr. Rhodes called for a vote on the nominations and it passed unanimously.

George Bovell nominated Jack Higgins as Vice Chair. Motion by Michael Hartman, seconded by Dale Young to approve the nomination. Hearing no other nominations, Mr. Higgins accepted the nomination.

Mr. Rhodes called for a vote on the nominations and it passed unanimously.

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

Approval of December 18, 2019, Minutes

Motion by George Bovell, seconded by Jack Higgins, to approve the November 20, 2019, minutes. The motion passed unanimously.

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

1. (19PZ00149) Thomas and Leslie Barnes

A variance of Chapter 62, Article VI, Brevard County Code, Section 62-1406(7)(c)(2), to permit a variance of 5.1 feet from the required 10-foot north side lot line, in an RVP (Recreational Vehicle Park) zoning classification, on 0.12 acres, located on the east side of Platinum Drive, approximately 372 feet south of Willow Lakes Dr. (1727 Platinum Drive, Titusville) (Tax Account 2113196) (District 1)

Thomas Barnes, 1727 Platinum Drive, Titusville, stated the plans were drawn, and a permit was issued, and the building is completed, but after the final survey the 5-foot rule unfolded, and we were told we needed to apply for a variance. We were also told that because of the mistake the fee would be waived.

Jack Higgins the building is conducive to the neighborhood and he does not see a problem granting the variance.

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 motion passed unanimously.

2. (19PZ00150) John M. and Joan M. Sinatra

Variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1482(5)(a)(3), to permit a variance of 4 ft. from the required 15-ft. rear setback; 2.) Section 62-1482(5)(4)(b), to permit a variance of 0.6 ft. from the required 5-ft. side (north) setback, in a BU-1 (General Retail Commercial) zoning classification, on 0.29 acres, located on the east side of N. Grove St., approx. 254 feet south of W. Merritt Ave. (250 & 258 N. Grove St., Merritt Island) (Tax Account 2427118) (District 2)

Joan Sinatra, 258 North Grove Street, Merritt Island, stated the subject properties are commercially zoned in Merritt Park Place; the building on the north property is crooked and only 4 feet from the property line, and she would like to make it legal. The second building is a garage that was placed backwards; the garage doors face the rear of the property and storing vehicles is difficult, and her intention is to add a building behind it to make it useful.

Michael Hartman stated the building would have the same setback as the building that's already there, so it will not be any closer to the property line than the other building, and he sees no problem granting the variances.

No public comment.

Ms. Sinatra stated she originally applied for an extra foot so she'd have room for error on the plans, and asked if that can be accomplished at this meeting.

Dale Rhodes stated that would not be able to be accomplished because the variance request is specific, and she would have to table this request and make adjustments before coming back to the board. Paul Body noted the current request has been advertised, and to change it to add an extra foot would require re-advertising.

Motion by Michael Hartman, seconded by George Bovell, to approve the variance as depicted on they survey provided by the applicant. The motion passed unanimously.

3. (19PZ00151) Donald S. and Carol A. Kettering (Gabriel Joseph)

a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1340(5)(a), to permit a variance of 11 feet from the required 20-foot rear setback for a principal structure, in an RU-1-11 (Single-Family Residential) zoning classification, on property described as Lots 34 & 35, Villa de Palmas Sykes Cove, Section III, a subdivision according to the plat thereof, as recorded in Plat Book 37, Pages 2 & 3, of the Public Records of Brevard County, Florida. **Section 14, Township 24, Range 36.** (0.58 acres) Located on the north side of Sykes Loop Drive, approximately 373 ft. west of N. Sykes Creek Drive. (170 Sykes Loop Drive, Merritt Island) (Tax Account 2413091) (District 2)

Donald Kettering, 170 Sykes Loop Drive, Merritt Island, stated he and his wife moved to Brevard County and purchased their home 18 months ago. He explained that his wife's mother lives with them, but after they bought the property they realized in order to make it work for her they would need to add space to her bedroom and storage space to the house.

Michael Hartman asked if the addition will be single-story. Mr. Kettering replied yes.

Dale Young asked the height of the block wall behind the house. Mr. Kettering replied it is approximately 4 feet high at that location, but is 6 feet in other areas.

George Bovell stated he understands the reason for the variance.

Dale Rhodes asked how much storage area will be added. Mr. Kettering replied it is approximately 150 square feet, and there will be approximately 250 square feet additional for his mother-in-law.

No public comment.

Mr. Kettering noted he talked to several of his neighbors to make sure they understood what he's asking for and no one had any problems with his request.

Motion by Michael Hartman, seconded by Jack Higgins, to approve the variance as depicted on the survey provided by the applicant. The motion passed unanimously.

4. (19PZ00153) Daryl E. Jr. and Saskia M. Goods

a variance of Chapter 62, Article VI, Brevard County Code, Section 62-2123(b), to permit a variance of 7 feet from the required 25-foot setback for a swimming pool on a major natural water body, in an EU (Estate Use) zoning classification, on 0.33 acres, located at the southeast terminus of Oak Ridge Drive, approximately 0.19 mile west of N. Riverside Dr. (787 Oak Ridge Drive, Indialantic) (Tax Account 2730586) (District 5)

Saskia Goods, 787 Oak Ridge Drive, Indialantic, stated the requested variance is for a pool on an oddly shaped lot at the end of a cul de sac that's also a double frontage lot.

Dale Young noted there are other properties on the same street that look like they have pools at the same distance as the variance being requested.

Ms. Goods stated she spoke to her neighbors and they are all in support of the variance.

Public Comment.

Rufus Cofer, 800 Oak Ridge Drive, Indialantic, stated the cul de sac comes to a very sharp "V" shape, and the lot sizes are unusual. He said about 90% of the houses on the street already have pools, and he is in support of the variance.

Dale Rhodes asked how far the house is from the waterfront. Ms. Goods replied 18 feet, so it would be 18 feet from the far side of the pool to the waterfront. Paul Body noted that the applicant will have to speak to the Natural Resources Management Office for setbacks from the water. Ms. Goods stated she has already spoken to Natural Resources and the pool will fit within the constraints.

Motion by Dale Young, seconded by George Bovell, to approve the variance as depicted on the survey provided by the applicant. The motion passed unanimously.

5. (19PZ00155) Patricia R. Burgett, Life Estate

variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1341(5)(b), to permit a variance of 5.5 feet from the required 7.5-foot side (east) setback for an accessory structure; 2.) Section 62-1341(5)(b), to permit a variance of 4 feet from the required 7.5-foot side (east) setback for an accessory structure; 3.) Section 62-1341(5)(b), to permit a variance of 4 feet from the required 7.5-foot side (north) setback for an accessory structure; 4.) Section 62-1341(5)(b), to permit a variance of 5 feet from the 7.5-foot side (south) setback for an accessory structure; 5.) Section 62-2100.5(1)(a), to permit a variance to allow one accessory structure over the two accessory structures permitted on a 10,375 square-foot lot, zoned RU-1-9 (Single-Family Residential). The property is 0.24 acres, located on the west side of Banbury Avenue, approximately 110 feet south of Carrick Road. (6061 Banbury Avenue, Cocoa) (Tax Account 2308067) (District 3)

Paul Body explained the applicant has submitted a permit application for the addition, but when staff looked at the aerial maps it looked like there were two different accessory structures. Staff talked to the surveyor to see if he could identify if the structures were going to be attached, but the surveyor would not return any phone calls. The applicant has a permit for the tiki shed that was done by the engineer, and it shows how the roofs are attached by two different types of roofs, but they are attached.

Patricia Burgett, 6061 Banbury Avenue, Cocoa, stated she and her husband bought the home in 1988 and built the structures, and since his death she has been trying to get the structures compliant and up to code.

Jack Higgins stated he visited the property and saw the three structures, and what she has is conducive to the neighborhood.

No public comment.

Dale Rhodes stated there is one letter of objection to the variance by Rene Ingenice.

Motion by Jack Higgins, seconded by Michael Hartman, to approve the variance as depicted on the survey provided by the applicant. The motion passed unanimously.

Upon consensus, the meeting adjourned at 2:11 p.m.