

BOARD OF ADJUSTMENT MINUTES

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, August 21, 2019, 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 following requests:

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

Staff members present were: Justin Caron, Assistant County Attorney; Alex Esseesse, Assistant County Attorney; Paul Body, Planner II; 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 July 17, 2019, Minutes

Motion by Dale Rhodes, seconded by Jack Higgins, to approve the July 17, 2019, minutes. The motion passed unanimously.

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

1. (19PZ00081) James D. and Colleen A. Nestor

A variance request of Chapter 62, Article VI, Brevard County Code, Section 62-1402(5)(c), to permit a variance to allow an accessory structure to be located forward of the front building line of the principal structure, in a TR-1 (Single-Family Mobile Home) zoning classification. The property described is 0.30 acres, located on the north side of Breezeway Drive, approximately 132 feet west of East Ridgewood Drive. (603 Breezeway Drive, Cocoa) (District 1)

Colleen Nestor, 603 Breezeway Drive, Cocoa, stated they are requesting a variance for a carport in their driveway because it extends forward of the front building line of the house, and they also need room between the home and the end of the carport. She said she spoke to their neighbors and none of them has any problem with the carport.

Jack Higgins stated he visited the property and he doesn't have a problem with the variance request.

George Bovell stated he also does not have a problem with the request.

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. (19PZ00082) Piotr and Grazyna Mikusinski

Variance requests of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1372(4)(a), to permit a variance of 3,100 square feet from the 7,500 square-foot minimum lot size required in an RU-2-15 (Medium Density Multi-Family) zoning classification; 2.) Section 62-1372(4)(b), to permit a variance of 30 feet from the required 75-foot lot width in RU-2-15; 3.) Section 62-1372(5)(c)(3), to permit a variance of 2.5 feet from the required 7.5-foot side (east) setback, for a

principal structure. The property is 0.10 acres, located on the north side of McKinley Avenue, approximately 58 feet east of Ridgewood Avenue. (304 McKinley Avenue, Cocoa Beach) (District 2)

Grazyna Mikusinski, 304 McKinley Avenue, Cocoa Beach, stated they purchased the property 25 years ago, which was recorded in the public records as it is today, but the zoning codes changed since then and they have found out it does not meet the minimum lot size. She said they would like to extend the house into the front and rear setbacks.

Michael Hartman asked staff if the lot has been platted as a separate lot. Paul Body replied yes, the legal description appears to be less and except five feet; most of the lots in the subdivision do not meet the minimum 500 square feet to be considered nonconforming lots. Mr. Hartman stated he does not have any objections to the requests, as granting the variances will bring the property up to the current code.

Jack Higgins stated he also does not have any objections.

No public comment.

Motion by Michael Hartman, seconded by Dale Rhodes, to approve the variances as depicted on the survey provided by the applicant. The motion passed unanimously.

3. (19PZ00083) The Viera Company (Stephen Caruso)

Variance requests of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1446(d)(4), to permit a variance of 19 feet from the required 25-foot setback from the property line along the edge of a PUD (Planned Unit Development), for an accessory structure; 2.) 13 feet from the required 25-foot setback from the property line along the perimeter of a PUD, for two parking canopies. The property is 5.42 acres, located on the northeast corner of Breslay Drive and Veterans Way. (No assigned address. In the Viera area.) (District 4)

Stephen Caruso, Sonata Health Care, 301 East Pine Street, Suite 730, Orlando, Florida, stated the variance requests are for two structures, and The Viera Company has site plan approval to building an adult congregate living facility with 118 units and 128 beds. He said they would like to install a shade structure on the north boundary line, which would be within the 25-foot setback, and to the north of the site is a retention pond owned by the Central Viera Community Association, who has given approval to build a dock into the retention area. The shade structure will be for senior citizens and residents to have a seating area, and other outdoor amenities are planned. He said the other variance request is for two carports totaling 17 parking spaces, and they will also encroach into the setback, but they will be cantilevered carports that would hang over the parking spaces.

Mr. Caruso handed out photos to the board. He said the shade structure will be a Sunbrella-type of fabric. [The photos can be found in file 19PZ00083, located in the Planning and Development Department.]

Mr. Bovell stated he is familiar with the site and what they are asking for is the best use of the property and will not affect anybody on the lake side of the property.

Michael Hartman asked why shade the areas farthest away. Mr. Caruso replied there are some nice units on the north end, and they feel like the shade structures would block visibility.

No public comment.

Motion by Dale Rhodes, seconded by Michael Hartman, to approve the variances as depicted on the site plan provided by the applicant. The motion passed unanimously.

4. (19PZ00084) Edward M. Constantino (Troy Douglas)

A variance request of Chapter 62, Article VI, Brevard County Code, Section 62-1405(6)(a), to permit a variance of 10 feet from the required 20-foot side street setback for a principal structure, in a TRC-1 (Mobile Home Cooperative) zoning classification. The property is 0.12 acres, located on the southeast corner of Pinewood Blvd and Vireo Drive. (698 Pinewood Boulevard, Barefoot Bay) (District 3)

Troy Douglas, 704 Osmosis Drive, Palm Bay, stated the request for the variance is due to an oversight by County staff. He said the mobile home permit was applied for and approved, and the mobile home was installed using a 10-foot side setback and a 15-foot front setback, which is allowed by Barefoot Bay, but is not recognized by Brevard County. He said it was brought to his attention after applying for a permit for an addition that the mobile home was not within the setbacks and he would not be able to get a final inspection due to the error.

George Bovell clarified that the mobile home was installed without the proposed garage, and that was in violation of the setbacks. Mr. Douglas stated the mobile home itself was approved by the County and the permit was issued, but when he applied for the permit for the garage, the County realized the mobile home was not within the setbacks.

Dale Rhodes stated Barefoot Bay allows a 10-foot setback, but the County requires a 20-foot setback. He said he does not see any problems with the requested variance.

No public comment.

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

5. (19PZ00085) Edmond L. and Barbara P. Lohman

Variance requests of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-2100.5(1)(d), to permit a variance of 362.5 square feet over the 748.54 square feet (50% of the living area of the principal structure) allowed for an accessory structure; 2.) Section 62-1342(5)(b), to permit a variance of 0.5 feet from the required 5-foot rear setback for an accessory structure, in an RU-1-7 (Single-Family Residential) zoning classification. The property is 0.35 acres, located on the south side of 12th Street, approximately 425 feet west of Central Avenue. (3815 12th Street, Micco) (District 3)

Barbara Lohman, 3815 12th Street, Micco, stated the structure is already built and approved by Brevard County, but they have been told by staff that the uprights need to be five feet from the entrance to the garage; it is a 20-foot by 27-foot enclosed building, and it has one open carport in front, which is storage for a boat and travel trailer. She added it would not make sense to separate the carport from the garage.

George Bovell stated the board has two surveys; one that shows two separate structures, and one that shows one structure.

Ms. Lohman stated the metal shed was engineered and built as one continuous roofline for the enclosed back building and an open carport in front, attached. She said having the shed and the carport together make it stronger and more user friendly. She said when it rains with no gap between them they can walk from the open carport to the workshop, and to have a five-foot open roof would let in rain. She said the shed was approved for construction by the Planning and Development department in December 2018; the final inspection was done after completion, on February 27, 2019. She said in May, a neighbor complained to Code Enforcement and she doesn't understand the complaint because it wouldn't make a difference if it was one building or two.

Paul Body stated when the applicants came in for their permit the structure was over the square footage allowed for the 50% requirement, so after speaking to the applicant, Mr. Lohman said he could separate it by five feet, and that is what he put on the permit, that he separated it by five feet. He said staff advised Mr. Lohman that there is not a separation distance for roofs, but it cannot be attached; when the building permit was approved the roof was attached; the permit was approved through the inspections with the roof attached, and then there was a complaint that the structure was too big because it was attached to the carport.

Ed Lohman, 3815 12th Street, Micco, stated the property was surveyed six times, and after the fifth time he applied for the variance; the next day was the sixth time the property was surveyed and that is when the surveyor moved the stakes. Ms. Lohman stated when looking at the structure from the street, it would look the same whether it had the roof separated or not.

Dale Rhodes asked staff if when the permit/variance was submitted it was two separate buildings, so the square footage was not an issue. Mr. Body replied when it was originally submitted it was attached as one building, and after talking to Mr. Lohman he put on the plans that he would do it as two different structures, the carport separated from the shed. He said the building department inspected it and approved it as one building. Mr. Rhodes stated if it had been two buildings the square footage wouldn't be an issue. Mr. Body replied that is correct.

Mr. Rhodes asked Mr. Lohman if he was aware of that. Mr. Lohman stated Mr. Body emphasized the five feet, but there was nothing specific about the roof. Mr. Rhodes asked if they ever went back and revised the permit for one building instead of two. Ms. Lohman replied no, other than the legs had to be five feet apart. Mr. Rhodes asked if a concrete pad was in place. Mr. Lohman replied no. Mr. Rhodes asked if the company placing the shed and carport did not have a permit to connect them. Mr. Body replied it was an oversight on the building department; a site plan showed there would be a five-foot separation distance, but he doesn't know if that was included with the roof structure when it was reviewed by the building department. He said the roof is what made it into one structure.

Dale Young asked about the surveyor moving the posts. Mr. Lohman stated he does not know what happened, but he told the surveyor it would be a problem, and the surveyor informed him it happens a lot in Barefoot Bay.

Michael Hartman stated the when the original plans were approved it showed five feet, and when staff came back and said it was impractical to build the five feet, why didn't the Lohman's request a variance. Ms. Lohman stated they were told that after the structure was built. Mr. Rhodes asked if Mr. Lohman thought that if the posts were separated, the roof didn't matter. Mr. Lohman replied yes, it's not practical to leave it separated.

Mr. Bovell stated what has been built makes sense to him, but there was some confusion because the Planning and Development Department did not know he was going to connect the roofs, and he would have been advised to ask for a variance before it was built. Mr. Bovell stated if there was separation, the view would not make a difference, but it would be a weaker structure that would be vulnerable to high winds.

Public comment:

Barry Southard 3825 12th Street, Micco, stated the board should know about the procedure that was taken to build the structure, and the appropriate things that should have been done during the building process but were not done and are the cause of the problem. [Mr. Southard submitted documents to the board. The documents can be found in file 19PZ00085, located in the Planning and Development Department.] He said the foundation was built as one, but the application and the permit state it should have been two foundations; if the applicant would have had the proper as-built survey done of the foundation, the buildings would not have been built as one, they would have been built as two like the code requires; and Mr. Lohman didn't use a surveyor, he marked the property himself. He said his objection is that it is massive, and Brevard County regulations say an accessory building should be complementary to the neighborhood; and there is nothing else in the neighborhood of that size and nature. Mr. Southard stated there has been a soil erosion problem on his property; Mr. Lohman raised the building, and every time it rains, it drains onto his property. He said he approached Mr. Lohman about the drainage, but nothing was done. He added that Mr. Lohman put a second floor in the building that is not in compliance with the regulations, and has done plumbing work, both of which have never been addressed. He said he in addition to Code Enforcement, he also visited the District 3 Commissioner to complain about the situation, which is why they are there today, because the Commissioner forced his complaints. He said his issue is that the situation was self-inflicted by the Mr. Lohman himself because he knew he could not build one building, but he poured the foundation as one. He stated the applicant already has a shed on his property, so he should not have gotten a permit for another building; the existing shed was on the permit, but it was not on the survey, and if it was on the survey he never would have gotten the permit. He said his biggest complaint is that the applicant didn't follow the rules. He said someone needs to go to the property, assess what is there, and assess the appropriate variance.

Mr. Bovell asked Mr. Southard how the structure harms him. Mr. Southard replied the biggest problem affecting him is water runoff, and something needs to be done to direct the water to the culverts in the street. He said his other problem is that it is a massive building and it should have been addressed in the beginning. Mr. Bovell asked Mr. Southard what he thought would be a good remedy. Mr. Southard replied he doesn't know, but he doesn't want his property value diminished. He noted other sheds in the neighborhood are aesthetically similar to the primary structures.

Dale Rhodes asked if there is a concrete pad all the way through? He said he would have poured one pad even for two buildings because he would want to be able to go into the garage and carport without having a 5-foot gap between concrete pads. He stated had the buildings been separated as they should have been, they would not be here today, but they have the right to build the structures. He asked Mr. Southard if it would have affected him the same way if the five-foot separation would have been there?

Mr. Southard replied he does not know. Mr. Rhodes stated the structure would still be there, it would just be separated by a few inches or feet. Mr. Southard stated it's the board's job to make a decision, and if was self-inflicted, the variance should not be granted. Mr. Bovell stated that is not necessarily so. Mr. Southard stated the reason he is here is because of the water problem, and he would like it fixed.

Jack Higgins stated in the elevation from the existing house to the new steel building, and the runoff is more prevalent now because it is wider; and asked if the applicant could make a berm and create a bed to bring the water forward. Mr. Southard stated the problem is that it would not be impermeable, and the water will seep under the fence to the other side.

Mr. Hartman asked if fill was brought in to raise the elevation, or was the property already at that elevation. Mr. Southard stated fill was brought in to raise the pad. Mr. Rhodes pointed out that the elevation is not one of the variances being considered.

Debbie Lohman, 9437 Fleming Grant Road, Micco, stated the applicants are her parents, and before they bought the home they researched all of the lot lines, and knew they would need a large shed. She said her father went to see Mr. Body in Planning and Development since before December 2018; they found contractors for the concrete and the shed, and had site plans drawn; and they found the surveyor who originally surveyed the property. She said the foundation was laid out as one piece, it passed all inspections, and it was approved. She stated the structure is presentable for the area, and there are other similar metal buildings in the area. She noted her parents are also planning on putting up a fence, which they will not do immediately because each time they try to do something, Mr. Southard comes onto the property to confront her father. She said her father thought he was building the roof the way he was instructed to by County staff.

Dale Rhodes read into the record three letters of support, one letter of objection, and one letter from the applicant. The letters can be in file 19PZ00085, located in the Planning and Development Department.

Mr. Bovell asked if the survey presented to the board was done before the structure was built. Mr. Body replied the surveys with the stamps are for the building permit, and the other survey is the as-built survey that was done for the variance application. Mr. Bovell stated the survey approved for construction shows separation between the two buildings. Mr. Body stated that is correct, but the roof was attached, which makes it one structure.

Justin Caron suggested the board table the request for five minutes to give the board time to review the documents submitted by Mr. Southard.

Upon consensus, the board recessed from 3:01 p.m. to 3:07 p.m.

Mr. Rhodes read into the record a letter from Mr. Southard. The letter can be found in file 19PZ00085, located in the Planning and Development Department.

Mr. Bovell asked if the second story and plumbing in the structure have a bearing on the variance request. Mr. Body replied yes, the second story should be included in the square footage, and stated he was not aware of a second floor. Mr. Rhodes asked if that is something the board is dealing with

today. Mr. Body stated if there is a second floor, the square footage should have been included in the variance request.

Mr. Lohman stated he built a loft inside the structure, it is a 7-foot shelf. Mr. Rhodes asked if the loft constitutes additional square footage. Mr. Body replied he would need to see the plans for it; if it was done as a second floor and has stairs leading to it, depending on the height to the ceiling, it would need to be included in the square footage.

Mr. Rhodes asked if the board should table the request and have the building department take another look at it. Mr. Body stated replied the board can do that.

Mr. Lohman stated it is a loft, not a second floor, but he does have a stairway that leads up to it. [Mr. Lohman gave photos to the board. The photos can be found in file 19PZ00085, located in the Planning and Development Department.]

Mr. Bovell stated based on the new information, it would be appropriate to table the requested variances to allow the applicant time to meet with staff on the potential second floor in the accessory structure.

Motion by Dale Rhodes, seconded by Jack Higgins, to table the requested variances to the October 16, 2019, Board of Adjustment meeting. The motion passed unanimously.

6. (19PZ00087) TAC Merritt Island, LLC (Michael Grey)

Variance requests of Chapter 62, Article IX, Brevard County Code, as follows: 1.) Section 62-3316(b)(5), to permit a variance of 10 feet over the 20-foot maximum height limit for a freestanding sign; 2.) Section 62-3316(b)(2), to permit a variance of 113.75 square feet over the 150 square-foot maximum allowable sign surface for a freestanding sign, in a BU-1 (General Retail Commercial) zoning classification. The property is 15.67 acres, located on the southeast corner of Merritt Avenue and North Courtenay Parkway. (240 North Courtenay Parkway; and 3, 85, 87, 89, 91, 95, 97 East Merritt Avenue, Merritt Island.) (District 2)

Michael Grey, 606 South Pinto Court, Winter Springs, Florida, stated the subject property is the Home Depot plaza on Merritt Island; it has been subdivided, and the remainder is what came into question because Home Depot split from the rest of the plaza. The variance will allow the addition of one panel to the existing sign. He stated the hardship is that the owner has not been able to rent out spaces because prospective tenants are not able to put the business names on the sign.

Michael Hartman confirmed the height of the sign is not increasing, the width of the sign is not increasing, and the only addition will be a bottom panel. Mr. Grey stated that is correct. Mr. Hartman stated he can testify that it is not clear on the current sign what is in any of the retail spaces, and he thinks granting the variance will help the neighborhood.

No public comment.

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

7. (19PZ00088) Kerrie Pillow (Jeff Parker)

A variance request of Chapter 62, Article VI, Brevard County Code, Section 62-2118(d)(3), to permit a variance of 1.5 feet over the 17-foot maximum projection (20% the width of the canal) into the waterway, for a boat dock, in an RU-1-11 (Single-Family Residential) zoning classification. The property is 0.20 acres, located on the west side of Sparrow Drive, approximately 275 feet north of Skylark Boulevard. (414 Sparrow Drive, Satellite Beach) (District 4)

Jeff Parker, 414 Sparrow Drive, Satellite Beach, stated in August 2017 a contract was entered into with Troy Brea of American Dock; after a year and a half, Mr. Brea did not complete any portion of the project, the seawall or the dock. Since then, it has been completed, but Mr. Brea had been working off of drawings for a 16-foot dock, and he didn't consider the seawall. He stated as a result, the dock is 1.5 feet beyond the allowable limit, and that is the variance being requested.

George Bovell stated from the aerial map there appears to be a significant amount of room, and he does not see any impediment into anyone else's property.

No public comment.

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

8. (19PZ00089) Richard S. and Kimberly A. Edwards

A variance request of Chapter 62, Article VI, Brevard County Code, Section 62-1340(5)(b), to permit a variance of 2.5 feet from the required 7.5-foot side (east) setback for an accessory structure in an RU-1-11 (Single-Family Residential) zoning classification. The property is 0.27 acres, located on the south side of Taurus Court, approximately 0.19 mile south of Artemis Boulevard. (1340 Taurus Court, Merritt Island) (District 2)

Richard Edwards, 1340 Taurus Court, Merritt Island, stated the pool shed was built 2.5 feet within the side setback, and the problem is that it cannot be moved. [Mr. Edwards submitted photos to the board. The photos can be found in file 19PZ00089, located in the Planning and Development Department.]

Michael Hartman asked staff the subject of the pending code enforcement action on the property. Paul Body replied it is because the shed does not meet the 7.5-foot setback. Mr. Hartman asked if a permit was pulled for the shed. Mr. Body replied if it is not on concrete a permit is not required.

Mr. Edwards state he was not aware the shed had to be 7.5 feet from the side property line.

Public comment.

Kathy Borne, 1350 Taurus Court, Merritt Island, stated she lives on the lot that abuts the shed in question, and she does not have a problem with the shed being located within the setback.

Dale Rhodes read a letter of objection into the record. [The letter can be found in file 19PZ00089, located in the Planning and Development Department.]

Mr. Edwards said has made many improvements to the property in the last year and a half since he purchased it.

Michael Hartman stated he currently lives on Taurus Court, but will be moving in a few weeks. He explained there was a precedent set about 12 years ago at a home located at 1405 Taurus Court that had a shed built within the setback; a code violation was reported, and the shed was removed. He said he has been approached by four neighbors that do not like Mr. Edwards's shed in terms of the height; if the shed was only 6 feet high and could not be seen, they would not care. He noted Mr. Edwards has met all of the legal requirements; the height limit is 35 feet, and the shed is under 35 feet.

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

9. (19PZ00091) William F. Colwell (Kim Rezanka)

Variance requests of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1340(5)(a), to permit a variance of 12 feet from the required 20-foot front setback for a principal structure; 2.) Section 62-1340(5)(a), to permit a variance of 4 feet from the required 7.5-foot side (north) setback for a principal structure; 3.) Section 62.1340(5)(a), to permit a variance of 5 feet from the required 7.5-foot side (south) setback for a principal structure, in an RU-1-13 (Single-Family Residential) zoning classification. The property is 0.16 acres, located on the west side of South Tropical Trail, approximately 95 feet north of Plantation Road. (2145 South Tropical Trail, Merritt Island) (District 2)

Kim Rezanka, Cantwell and Goldman, Cocoa, stated the house on the subject property is on South Tropical Trail and has been there since 1964; it is a two-story, 900 square-foot, house that Mr. Colwell inherited; it is an old house that already doesn't meet setbacks, so in order to do anything to the house, a variance is needed from the side setbacks. She said the lot is smaller than it appears because of the road right-of-way. In order to build a garage, Mr. Colwell needs a variance of 12 feet from the setback on South Tropical Trail, and the garage would be 8.8 feet from the right-of-way. She said the hardship was not created by the applicant, it is an old house on an old platted lot, and he'd like to have the same benefits that most everyone else has in the area. She stated granting the variances will allow Mr. Colwell to add a garage on the front of his property and to expand the back corner of the house to accommodate a water heater, a washer and dryer, expansion of a bedroom.

Michael Hartman asked if the owner lives in the house now. Mr. Rezanka replied no, he does not, but he does live in the neighborhood. Mr. Hartman stated he thinks the proposed additions will improve the neighborhood.

Dale Young stated on the survey it looks like there is 20 feet of right-of-way out to the pavement. Ms. Rezanka stated there is still sufficient room for Mr. Colwell to get in and out of the garage; the garage will be 8.8 feet from the right-of-way, but it will still be approximately 25 feet from the edge of the pavement.

Public comment:

Michael Forness, 2137 South Tropical Trail, Merritt Island, stated he lives next door to the subject property, to the north. He said his first concern is that the properties in the area are small, so Mr.

Colwell will crowd him with his addition; the house itself is 35 feet and he's going to add 20 feet, so he will have a 50-foot long, possibly two-story wall that he will have to look at. He said he is concerned that if he were to sell his property it could be a sale-breaker when buyers see the crowded wall next door, and it will lessen the value of his property. [Mr. Forness submitted photos to the board. The photos are in file 19PZ00089, located in the Planning and Development Department.] He said another concern is the line of sight of entering South Tropical Trail; the garage itself will not block his view, but if there are cars parked in front of the garage he will not be able to see oncoming cars from South Tropical Trail heading north.

George Bovell asked if that condition is unique to Mr. Forness. Mr. Forness replied yes, for the line of sight. Mr. Bovell asked if anyone else has that issue along South Tropical Trail. Mr. Forness replied he is not sure. Mr. Bovell stated he travels South Tropical Trail often and knows the issue is not unique to Mr. Forness. Mr. Forness stated he also has a concern for security reasons and not being able to watch out for his neighbors.

Dale Young stated Mr. Forness is lucky he is not south of the subject property because that house is less than 7 feet from the roadway, so he would be blocked one way or the other. Mr. Forness said he will be blocked, and he is also blocked by a tree on the lot to the north.

Michael Hartman asked Mr. Forness how far north his driveway is from the property line between him and Mr. Colwell's property. Mr. Forness replied it is approximately 25 feet.

Kim Rezanka stated the distance from Mr. Colwell's property line to Mr. Forness's house is at least 20 to 25 feet. She noted the proposed garage will only extend 20 feet. As to the line of sight, cars can and do park on the property now, and cars park in the right-of-way. She stated it is a one-story garage. As to the property value, there is no evidence in front of the board to support diminished property value, and the addition of the garage will not only add value to Mr. Colwell's property, but also to the properties around it.

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

Upon consensus, the meeting adjourned at 3:57 p.m.