

BOARD OF ADJUSTMENT MINUTES

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, December 18, 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 requests below:

Board members present were: George Bovell, Chairman; Dale Rhodes, Vice Chairman, District 3; Jack Higgins, District 1; 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 Chairman, George Bovell, called the meeting to order at 1:30 p.m.

Paul Body explained the function of the Board of Adjustment; Jack Higgins 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 November 20, 2019, Minutes

Motion by Jack Higgins, seconded by Dale Rhodes, 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.

Adoption of Resolution 2019-01

Motion by Dale Rhodes, seconded by Jack Higgins, to approve Resolution 2019-01. The motion passed unanimously.

1. (19PZ00130) Jayson Alan and Nicole Alanna Lee Ward

A variance of Chapter 62, Article VI, Brevard County Code, 62-1334(5)(b), to permit a variance to allow an accessory structure to be located forward of the front building line of the principal structure, in an AU (Agricultural Residential) zoning classification, on 5.48 acres, located on the south side of Kelly Road, at the intersection of Cory Court. (3645 Kelly Road, Mims) (Tax Account 2113039) (District 1)

Nicole Ward, 3645 Kelly Road, Mims, stated the variance request is for a detached garage, and because the property is an unusual shape and only 15% is uplands, they are limited to where they can put a garage. She said the variance would allow a detached garage to be 40 feet in front of the house.

Jack Higgins asked if the property will be de-mucked. Ms. Ward replied they might have to mitigate the back corner of the property, but she's hoping to de-muck and stabilize if they have to. Mr. Higgins stated he doesn't have a problem with the detached garage as long as it is stabilized.

No public comment.

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

2. (19PZ00142) Barry Southard and Valerie Gallo

A variance of Chapter 62, Article VI, Brevard County Code, Section 62-1405(6)(a), to permit a variance of 10.5 feet from the required 20-foot front setback, in a TRC-1 (Single-Family Mobile Home Cooperative) zoning classification, on 0.09 acres, located on the west side of Sapote Drive, approximately 134 feet north of Avocado Drive. (513 Sapote Drive, Barefoot Bay) (Tax Account 3007812) (District 3)

Barry Southard, 3825 12th Street, Micco, stated while building a new home the surveyor marked the corners of the home on the right side to 11 feet in the front, and then the distance of the house in the back; however, he later discovered that the surveyor did not take into consideration that the left side protruded out, so there is a jog on the left side of the house and a dent on the right side of the house.

Dale Rhodes, Dale Young, and George Bovell all stated they have no questions for the applicant.

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.

3. (19PZ00144) Laurence P. Kelly, III

Variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-2100.5(d), to permit a variance of 901 square feet over the maximum 600 square-foot size limitation of an existing accessory structure; 2.) Section 62-2100.5(d), to permit a variance of 936 square feet over the maximum 600 square-foot size limitation for an accessory structure; 3.) Section 62-2100.5(b), to permit a variance of 2,386 square feet over the total accessory building size, in an RU-2-10 (Medium Density Multi-Family Residential) zoning classification, on 1.47 acres, located on the east side of U.S. Highway 1, approximately 700 feet south of Broadway Boulevard. (5310 North U.S. Highway 1, Cocoa) (Tax Account 2317227) (District 1)

Laurence Kelly, 5310 North U.S. Highway 1, Cocoa, stated his residence was built in 1956 and is 650 square feet, and there is another older outbuilding, and he would like to add a new pre-fabricated metal building in order to have a garage and equipment to maintain the older buildings on the property, but in order to do that he needs variances for the existing building, the new building, and one for the combined square footage of both buildings.

George Bovell asked if he is keeping the existing building. Mr. Kelly replied he would like to do maintenance on the building, but if he re-builds it, it wouldn't be larger than what it is now.

Jack Higgins stated he doesn't know how the Board can legitimize a structure and include it in the request. Paul Body stated the Board could deny variance #1 and approve variance #2, but variance #3 includes both of them together, so the first two variances need to be approved in order to approve the third variance. Mr. Higgins stated he doesn't have a problem with the requests.

No public comment.

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

4. (19PZ00145) Merritt Square Realty, LLC; Merritt Square CH, LLC; and Merritt Square Nassim, LLC (Kristen Ferretti)

Variances of Chapter 62, Article IX, Brevard County Code, Section 62-3316(b)(4), to permit a variance of 8 feet from the required 15-foot front (north) property line setback for a freestanding sign, in a BU-1 (General Retail Commercial) zoning classification, on 1.18 acres, located on the south side of State Road 520, approximately 0.25 mile east of Plumosa Street. (777 East Merritt Island Causeway (State Road 520) Merritt Island) Tax Account 2427788) (District 2)

Kristen Ferretti, 1239 East Newport Center Drive, Newport Beach, Florida, stated in April she was granted a variance for a new sign, and when she submitted for the building permits everything was approved, but it was later determined they could not have the pole sign because the property wasn't its own outparcel yet. Having never been to the site, she did not realize the sign had already been installed, and it was installed too close to the property line; it should be set back 15 feet, and the pole is actually 7 feet from the property lines because of the overhangs on both sides. She said she is asking for the 8-foot variance so they don't have to tear down the existing sign and construct a new one.

George Bovell stated he read in the package that the sign is similar to others on the same parent parcel. Ms. Ferretti stated that is correct. Mr. Bovell asked how far the sign is from the road right-of-way. Ms. Ferretti replied it is approximately 55 feet from State Road 520.

No public comment.

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

5. (19PZ00122) Bonnie E. Douglas, Trustee (Connie Douglas)

A variance of Chapter 62, Article VI, Brevard County Code, Section 62-1404(6)(a), to permit a variance of 6 feet from the required 15-foot perimeter (north) setback required for the TR-3 (Mobile Home Park) zoning classification, in an RU-1-9 (Single-Family Residential) zoning classification, on 0.52 acres, located on the west side of U.S. Highway 1, approximately 250 feet south of Garretts Road. (8440 U.S. Highway 1, Micco) (Tax Account 3010260) (District 3)

Connie Douglas, 2275 Grant Road, Grant, Florida, stated her parents bought the park in 1979, and in 1980 they bought a strip of land to go with it, which included the house on U.S. 1. When they combined the rest of the strip of land to TR-3 they didn't include the house, so she is asking for the variance so the home can be in compliance with the rest of the park, because it's been an office for the park since 1980.

Dale Rhodes and Jack Higgins stated they have no questions for the applicant.

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.

Repeal of Resolution 2010-01

Motion by Dale Rhodes, seconded by Jack Higgins, to repeal Resolution 2010-01. The motion passed unanimously.

Upon consensus, the meeting adjourned at 2:08 p.m.