

BOARD OF ADJUSTMENT MINUTES

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, February 26, 2020, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, with Chairman Dale Rhodes presiding, to consider the requests below:

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

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

The Chair, Dale Rhodes, 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 Dale Rhodes explained the procedures of the Board of Adjustment.

Approval of January 22, 2020, Minutes

Motion by Jack Higgins, seconded by Michael Hartman, to approve the January 22, 2020, minutes. The motion passed unanimously.

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

1. (19PZ00157) Ronald and Iva Szott

A variance of Chapter 62, Article VI, Brevard County Code, Section 62-1340(5)(b), to permit a variance of 7.5 feet from the required 7.5-foot side (east) setback for an accessory structure, in an RU-1-11 (Single-Family Residential) zoning classification on 0.33 acres, located on the southwest side of Molaki Drive, approximately 210 feet south of Mikado Drive (1025 Molaki Drive, Merritt Island) (Tax Account 2419342) (District 2)

Ronald Szott, 1025 Molaki Drive, Merritt Island, stated he would like the variance in order to keep his shed where it has been for 29 years. He said his neighbor submitted a letter to the board stating he does not have a problem with the shed.

Michael Hartman asked staff if a structure has been in place for more than seven years if it is considered accepted. Paul Body replied no, but Brevard County Policy BCC-40 states that if a structure has been in place for over 10 years the variance fees can be waived, but a variance still needs to be requested.

Michael Hartman stated he does not have a problem with the requested variance.

George Bovell asked about the pending Code Enforcement action. Mr. Body replied there has been anonymous complaints in Catalina Isles that has resulted in 35 – 40 people who have been turned in for setback violations of sheds.

Mr. Bovell stated it seems like a large piece of property with other possible places to put the shed, and asked if it would be a hardship to move the shed. Mr. Szott replied the concrete comes up around the shed; when the slab was poured, the shed was in place with anchors in the ground, and to move it would destroy it. Mr. Bovell noted Public Works has stated the five-foot public utilities and drainage easement will not have to be vacated as the shed is not attached to a concrete slab.

Dale Young stated the application says the shed cannot be maintained without encroaching onto the adjacent property, and asked if that means the next-door neighbor. Mr. Body replied yes, he would have to go onto his neighbor's property in order to maintain the shed.

Mr. Szott pointed out that the neighbor in question is the one who wrote the letter of support.

No public comment.

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.

2. (19PZ00160) Ivan Rodriguez (John Campbell)

Variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1340(5)(b), to permit a variance of 6.5 feet from the required 7.5-foot side (south) setback for an accessory structure; 2.) Section 62-1340(5)(b), to permit a variance of 2 feet from the required 5-foot separation distance for an accessory structure, in an RU-1-11 (Single-Family Residential) zoning classification on 0.20 acres, located on the east side of North Montego Bay Drive, approximately 300 feet north of Becora Avenue (1100 North Montego Bay Drive, Merritt Island) (Tax Account 2417350) (District 2)

Dale Rhodes stated there are two letters in support of the variance, and asked the applicant if he has read the letters. (Public comment letters can be found in file 19PZ00160, located in the Planning and Development Department)

Ivan Rodriguez, 1100 North Montego Bay Drive, Merritt Island, replied yes, he has read the letters.

John Campbell, 115 Alma Boulevard, Merritt Island, stated the shed is currently one-foot from the property line, and the setback is 7.5 feet. The shed is on a wood foundation and it is in the public utilities and drainage easement; it was built in 2011, and the shed company told Mr. Rodriguez that he did not need a permit because it was under 100 square feet. He said photos show the fence and dual driveways between Mr. Rodriguez's house and his neighbor. (Mr. Campbell submitted photos to the board. The photos can be found in file 19PZ00160 located in the Planning and Development Department). He further stated the shed is approximately 3.3 feet from the swimming pool area and the setback is five feet, so that is the reason for the variance from the separation distance. He said the survey he prepared for Mr. Rodriguez shows there is no other place to put the shed. He noted the homes in the subdivisions were built in the early 1960's and most of them have a one-car garage, which is the reason the board will be seeing so many variances for sheds in Catalina Isles. He stated Mr. Rodriguez did not cause the problem because he relied on professionals to place the shed.

Michael Hartman asked staff if the neighbor has a variance that was granted last year. Paul Body replied yes, there was a variance granted for the same type of request.

George Bovell stated he disagrees there is not somewhere else the shed can be placed, but he will support it because the neighbor most affected is in support of the variance.

No public comment.

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

3. (20PZ00002) BailOut Properties, Inc.

Variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1372(5)(c)(3), to permit a variance of 2 feet from the required 7.5-foot side (south) setback; 2.) Section 62-1102, to permit a variance of 24 feet from the 25-foot rear setback required for a double frontage lot; 3.) Section 62-1372(4)(a), to permit a variance of 3,144 square feet from the required 7,500 square foot minimum lot size; 4.) Section 62-1372(4)(b), to permit a variance of 18.26 feet from the required 75-foot minimum lot width, in an RU-2-15 (Medium Density Multi-Family Residential) zoning classification on 0.10 acres, located on the east side of Ridgewood Avenue, approximately 120 feet south of Arthur Avenue (6412 Ridgewood Avenue, Cocoa Beach) (Tax Account 2436792) (District 2)

Vickie Nguyen, 398 Lake Dawson Place, Lake Mary, Florida, stated she is representing the family-owned business, BailOut Properties, and they purchased the subject property in December with the intention of upgrading it. The house was built in 1958 and since then the zoning code has changed and the lot is now non-conforming because the lot size and width does not meet the requirement anymore and the south and rear sides of the building are not within the setback requirements. She said they would like to re-build the home and make it larger so that it can meet the minimum floor size for a single-family residence, which is 1,100 square feet, and currently the house is 856 square feet. She said they would like a three-bedroom, two-bath house with a single-car garage for storage, and a separate family room, dining room, and kitchen, similar to what other neighbors have in the area.

Mieng Nguyen, 398 Lake Dawson Place, Lake Mary, Florida, stated because the lot is non-conforming, it is a hardship for them to be able to do what they need to do without the variance.

Michael Hartman asked if they are going to increase the footprint of the building, or increase it by adding a second story. Ms. Nguyen replied because the lot is so small, they would like a second floor. Mr. Hartman asked if the existing footprint would be expanded. Ms. Nguyen replied it probably will in the front, but not in the back.

Mr. Hartman stated the problem with a lot of properties in that area is that 50 or 60 years ago they were subdivided when they should not have been, and he understands the applicants are trying to legitimize the property.

George Bovell stated he understands the applicants are trying to legitimize the setbacks they already have, not creating new setbacks, and they are just expanding on the lines the current building is already using. He said he does not see a problem with the requested variances.

Dale Rhodes asked if they will use the house themselves or if they plan to re-sell it. Mr. Nguyen replied it will be a vacation home.

Public comment:

Alan Ford, 6408 Ridgewood Avenue, Cocoa Beach, Florida, stated he lives in the house adjacent to the subject property. He stated the neighbors behind him, Stephen and Andrea Povilaitis, could not attend the meeting and asked if he could read a letter of objection into the record. "Dear Board of Adjustment Members: We, Stephen and Andrea Povilaitis are writing in reference to the variance requested by 20PZ00002, BailOut Properties, Inc. We live at 303 Winslow Circle, Cocoa Beach, Florida, which is directly adjacent to this property. Unfortunately, we never received a letter informing us of this variance request and the current owners of the property, despite the fact they have had

numerous conversations with us, have never informed us of their dubious intentions. We just learned of this variance request on Sunday, March 23 [sic], 2020, by one of our neighbors and we were already scheduled to be out of the country on February 26, 2020, so we cannot attend the hearing scheduled for the same. It appears that the applicants are requesting a dimensional variance. We oppose this variance and the Board of Adjustment must reject it as well because it clearly does not meet the practical difficulties standard of approval. The property upon which the variance is requested was recently purchased, thus any practical difficulty was self-created in that it was, or should have been, reasonably foreseeable to present difficulties in complying with the ordinances for the stated future improvements. The stated future improvements are a thinly veiled scheme to make the house currently on the property bigger. It is currently a small, quaint, house on the property, and although it has been neglected, it should be improved as many in the neighborhood have, without the requested variance. It is obvious from the ridiculously extreme nature of the variances requested, such as nearly a 50% variance from the mandated 7,500 square-foot lot size, and a variance of over 90% from the 25-foot setback requirement, that the owners bought this property with the express intent of building a bigger house on a lot in a neighbor that is not conducive to their out-sized plans. If the applicants wanted a bigger house they should have bought a bigger lot. Strict compliance with the current ordinances does not prevent improvement of the property in a manner which is reasonable, customary, and consistent with other properties in the area, nor does it cause practical difficulty in strict compliance with current ordinances. Furthermore, any practical difficulties complained of by the recent property investors were plainly and entirely foreseeable and thus being self-created. Desiring a bigger house on a property investment is not a practical difficulty and thus the variance must be denied. Pursuant to law, the applicant must justify and prove the need for the variance to include evidence as to why they satisfy the required practical difficulty. There is no such evidence corroborating the applicants' practical difficulty has been provided. Our home and other homes in Winslow Circle comprise a low key and private alcove of the touristy area of Cocoa Beach. We chose to buy our house in this area for this very reason. Ordinances exist for the benefit of the residents of Brevard County. Should the requested variance be granted, which we believe would be for the sake of rentals or Airbnb purposes, it would not only permanently and grossly destroy the character of our neighborhood, but it would be an egregious miscarriage of the duty and responsibility of the Board of Adjustment to the residents of this neighborhood. Signed, Steven and Andrea Povilaitis, 303 Winslow Circle, Cocoa Beach”.

Dale Rhodes asked the applicants if they would like a recess in order to have time to read the letter. Ms. Nguyen stated she does not need a recess to read the letter.

Mr. Ford stated the neighborhood is comprised of beach houses built in the 1950's that are quaint, and neighbors can attest to the fact that they are disappearing and there are very few of them left along Ridgewood Avenue. He said he was told they were going to demolish the house and build a two-story house. He said his house and his neighbors' houses one-story, and a two-story blocks out the sky and defeats the purpose of their privacy fences. He said he has an issue with water runoff because there are no storm drains in the area, and he is worried about drainage onto his property. He said the level of the subject property's yard is higher than his yard due to the retention walls that were wisely built. He stated if you look at the proposed building plan, they are nearly doubling their roof size, and the amount of rainwater coming off of a 1,000 square-foot roof is 600 gallons if there is an inch of rain. He stated additionally, on the south side, they want a two-foot decrease in the setbacks, so their roof structure will be two feet closer. He said building a big house on a small lot decreases opportunities to mitigate water coming off the roof.

Mary Ford, 6408 Ridgewood Avenue, Cocoa Beach, Florida, stated the applicants told the board they are going to use the house as a vacation home, but they told members of the neighborhood that they would never bring their children there. She said the applicants bought the property knowing the size.

Michael Hartman stated the current footprint is 5.7 feet from the property line, so the current structure is two feet closer. He said what they're asking is for that to be legitimized, they're not asking to come any closer than the current footprint.

Mr. Ford stated it is 7.5 feet in the back of the house, so it's not a parallel border. In the front is where they want the 7.5 feet, so the back is actually 7.5 feet. Paul Body stated that is not correct.

Mr. Hartman stated the 7.5-foot line is shown as the line that goes through the house.

Mr. Body stated that is correct. He said Mr. and Mrs. Ford's fence isn't correctly on the property line. He explained that the property is only 5.7 feet to their property line, and the 7.5-foot is the setback that is supposed to be there. Mr. Ford stated it looked like they wanted two feet less of a setback.

Mr. Hartman stated the applicants are trying to legitimize where the house is currently, which is 5.7 feet from the property line.

Mr. Body stated they are trying to increase the footprint along the south property line and keep the 5.7 feet. Mr. Hartman reiterated that they're keeping the dimensions of the house that's already there. Mr. Body noted they are not just legitimizing what's there now, they're proposing to increase the size.

Mr. Ford stated the applicants have told him they are knocking the house down and he is assuming the cross-hatched area on the survey is the footprint of their new roof. Mr. Body stated the cross-hatched area is going to be the new addition to the house.

Mr. Ford asked if they will not be two feet closer than they are now. Mr. Hartman replied that is correct. Mr. Body further stated they are going to be the same distance down the property line as they are now.

Mr. Hartman stated on the south side of the existing house there is a dashed line on the survey that goes through the south side of the house, and that is where the 7.5 feet would be, and the existing house is 5.7 feet from the property line.

Mr. Ford stated his understanding is that the roof will be two feet closer to his fence.

Dale Rhodes stated no, what the survey shows is that if it was 7.5 feet it would be to the dashed line, but it's not, it's 5.7 feet. He said what they're asking for is to legitimize that because it doesn't meet code as it stands.

Dale Young asked if there have been any other complaints in the past filed against the property. Mr. Body replied there have not been any other complaints that he knows of. He noted there are numerous variances around Winslow Beach that have legitimized properties for the reason of re-selling. Mr. Young asked if the house met the code requirements in 1958. Mr. Body replied zoning was established in 1958 and he thinks the lot was cut out after 1958. He said the property and the house are non-conforming and cannot be expanded without being legitimized. Mr. Young asked if the

majority of the variances requested are to legitimize the existing structure, correct. Mr. Body replied there are two variances to the lot size, one to lot width, and one to the area of the square footage lot area. The other two are to the setbacks.

Jan Wilcox, 6416 Ridgewood Avenue, Cocoa Beach, Florida, stated her sister owned the house she lives in since 1965, and she has owned it since March 2019. She said she is in the area today because she was on vacation and didn't know about the meeting because she did not receive a notice. She said the majority of the homes in the area are all one-level single-family dwellings, and she does not want a two-story built there, and she does not want the variance on the south side. She said as far as going forward towards Ridgewood Avenue, they have the property to do that and she doesn't see a problem with that at all.

Mr. Rhodes stated there appears to be a two-story home next door. Ms. Wilcox replied it is on Winslow Circle, not Ridgewood Avenue.

Mr. Young asked if there are other rental properties on Ridgewood Avenue. Ms. Wilcox replied across the street are sets of duplexes that are single-story. Mr. Young asked if they are long-term or short-term rentals. Ms. Wilcox stated they are short-term rentals which have caused multiple issues with the police from time to time.

Dale Wright, 6414 Ridgewood Avenue, Cocoa Beach, Florida, stated she lives next door to the subject property. She said she spends 99% of her time on the front porch, which is six feet from their driveway, and she enjoys it because it's quiet and peaceful, and she can listen to the ocean. She said she recently refurbished her house without adding on to it, and there's no reason why they can't just improve on what they have. She said the proposed house will look ridiculous and as a neighbor she doesn't want to stare at a monstrosity next to her.

Steven Wright, 6414 Ridgewood Avenue, Cocoa Beach, Florida, stated he has lived in his home for 50 years and he is opposed to the applicants adding a second story to their house. He said he likes it the way it is and he wishes they would not change it.

Mr. Bovell asked Mr. Wright the square footage of his home. Mr. Wright replied approximately 900 square feet. Mr. Bovell stated the applicant is trying to go from 700 square feet to 1,200 square feet, and asked if 1,200 square feet is a monstrosity to him. Mr. Wright replied yes, on a small lot.

Mr. Rhodes asked if it is within code to put a second story on any house that would support it. Mr. Body replied yes, as long as it met the setback requirements.

Vickie Nguyen stated the situation was not self-created, and they just bought it, so everything was originally there. She said she believes the homeowners at 6412 Ridgewood Avenue have a variance and they built out their porch close to the boundary line by a half-foot. She asked why they can have a variance and not them. She said on the south side they will go along with what they have, so they gave up their storage by taking out the shed, and the wood deck is over the boundaries of the setback, so they are going to take that out as well. She pointed out that everybody who has houses on that side of the street are already in front of them, so they are expanding in the front. She stated the house will be their vacation home, but business-wise they would like to make some money.

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

Mr. Hartman stated one story versus two-story is not what the board is considering. He said as far as the first floor addition, the only testimony they heard is that nobody objects to the footprint getting bigger, and the footprint getting bigger is allowed other than the fact that it is the same distance from the south property as the building that's already there, so the roof line is not going to get any closer to the property on the south side than it currently is. In respect to variances 2, 3, and 4, these are existing things on the property that have been there for 60 years and the property is what it is, so it needs to be legitimized.

Mr. Young pointed out that the house was built in 1958 and complied in 1958, and if there wasn't some type of vehicle to allow for these properties, 90% of Cape Canaveral would be cleared.

Dale Rhodes called for a vote on the motion as stated and it passed unanimously.

4. (20PZ00003) Ronald Dewitt Hutcheson and Harriet Sheila Hutcheson Revocable Trust (Micah Loyd)

A variance of Chapter 62, Article VI, Brevard County Code, Section 62-1334(5)(b), to permit a variance to allow two accessory structures to be located forward of the front line of the principal structure, in an AU (Agricultural Residential) zoning classification on 1.46 acres, located on the north side of Grantline Road, approximately 510 feet west of U.S. Highway 1. (3860 Grantline Road, Mims) (Tax Account 2001933) (District 1)

(All public comment letters can be found in file 20PZ00003, located in the Planning and Development Department)

Dale Rhodes stated the board has two letters of support from James and Wendy Bush, 3865 Fairfax Drive, Mims, Florida; and Doreen Floyd, 3872 Grantline Road, Mims, Florida. There is one letter of objection from Michael Liguori, 3840 Grantline Road, Mims, Florida.

Micah Loyd, 1110 Riverside Drive, Titusville, Florida, stated the request is fairly simple, and what happened is the homeowners hired who they thought was a licensed contractor who put the carports in place. They were under the impression the contractor pulled permits for the carports and that they met the setbacks, but now they are finding out they do not meet the setbacks. He said the carports have been in place for quite a while.

Jack Higgins stated he's been to the property twice to view the carports, and he observed a lot of sheds and carports on that road. He said the carports do stick out, and they have several buildings on the property, but he doesn't think it's hurting anything, and comparatively, to everything else around there, he doesn't think it poses a big difference.

Dale Young asked the width of the two carports. Paul Body replied the survey shows the one to the east is 20.4 feet x 18 feet; and the one to the west is 22.1 feet x 19 feet.

Mr. Young asked if the carports could be moved back to the side of the house. Mr. Loyd stated he cannot speak for the owners, but he knows they don't want to do that.

George Bovell stated Mr. Loyd is here to speak on behalf of the owners, and he would like to hear him advocating for why the carports should stay based on his communication with the owners and his understanding of how they feel. Mr. Loyd stated his father was supposed to represent Mr. and Mrs. Hutcheson, but he is having knee surgery and he was told to attend the meeting and give the board the facts as he knows them. He said he understands the case, but he has not met Mr. and Mrs. Hutcheson. He stated he knows they hired a licensed contractor and they thought the correct permits were pulled and followed the correct setbacks.

Michael Hartman stated the house is setback 74 feet and the front of the carports are over 69 feet from the front property line. Mr. Loyd stated he believes there is vegetation between the neighbor's house to the east and the carports.

Public comment:

Michael Liguori, 3840 Grantline Road, Mims, Florida, stated he lives in the house to the east. He said he grew the buffer between his house and the subject property because of the carports. He stated other neighbors will start putting carports in front of their houses if this variance is granted. He said currently, there are no other carports in front of homes on Grantline Road.

Mr. Rhodes stated he understands that one of the carports has been there since 1995. Mr. Liguori stated he has been silent, but other carports started popping up, and now there are four carports across the front of the house with cars, tractors, and trucks.

Antoinette Liguori, 3840 Grantline Road, Mims, Florida, stated Mr. Hutcheson has six or seven boats and trailers, along with six vehicles.

Mr. Liguori stated he knows buildings are supposed to be behind the house. Mr. Body stated accessory buildings are supposed to be behind the front building line of the house.

Mr. Rhodes stated of the two carports the board is dealing with, one was built in 1995 and the other in 2014. He asked if Mr. Liguori filed the complaint with Code Enforcement. Mr. Liguori replied no.

Mr. Hartman noted there is also an objection letter from James and Rachel Feagan, 3845 Grantline Road, Mims, Florida.

Mr. Liguori stated everyone on Grantline Road has at least an acre of property, so there is plenty of room to put buildings behind the homes. He said he doesn't want his property value to go down, because variances run with the property.

Mr. Hartman stated Mr. Liguori mentioned four carports, and asked which were there first, the two that the variances are being requested for, or the two on the west side. Mr. Liguori replied the two on the west side were there first, and they are set back behind the house. He said he built a 60-foot buffer over the years so he wouldn't have to turn in his neighbor.

Mr. Young asked if the carports are for the storage of vehicles. Mr. Liguori replied yes, boats and trailers, but there is something different under them every day. He noted he would not have a problem with the carports if they were in the back yard.

Motion by George Bovell to deny the variance request as presented.

Motion failed for lack of a second.

Mr. Young stated it looks from the aerial map that he would only have to chop off about 3 – 4 feet of the carports to be at the front building line of the house, and that might be a consideration. The other side of the house sticks out almost as much as the carports.

Motion by Jack Higgins to deny.

George Bovell seconded the motion for discussion. He stated the carports do not conform, but the board can lean towards approving the request if it's not affecting the neighbors in a negative way, but in this case it is and he has to take that into consideration. He said there are no similar properties like this in the neighborhood, and that's why he is against it.

Mr. Hartman stated he is torn because the carports have been there for so long. He agrees the second carport could have been set back five feet to be next to the house, but he has a hard time when something has been there for a long time.

Mr. Bovell stated the problem has lasted a long time because the neighbors were trying to be good neighbors and hang in there with them, but now the neighbors have had enough and the board has to take that into consideration. Mr. Hartman noted there are two letters of support.

Mr. Rhodes stated his biggest problem is that the structures have been there a long time, and to now tell them to take them down is his only issue.

Mr. Bovell stated the board is trying to advocate for this person who isn't here to advocate for himself. He said the board can deny the variance and he has to decide if he's going to take it down or move it.

Dale Rhodes called for a vote on the motion to deny and it passed 3:2, with Hartman and Young voting nay.

5. (20PZ00004) John J. IV, and Jennifer E. O'Neill (Joe Reese)

A variance of Chapter 62, Article VI, Brevard County Code, Section 62-2118(d)(3), to permit a variance of 0.8 feet over the 16-foot projection (20% the width of the waterway) for a boat dock, in an EU (Estate Use Residential) zoning classification on 0.38 acres, located on the northerly side of Malibu Lane, approximately 0.23 miles northeasterly of North Riverside Drive. (810 Malibu Lane, Indialantic) (Tax Account 2725519) (District 5)

Joe Reese, 4305 Rivermont Drive, West Melbourne, Florida, stated he mis-interpreted a distance and it fell eight-tenths of a foot past where it was supposed to, at the pylon, and it's very difficult to remove the structure's roof.

Dale Young stated according to the aerial they are the last ones to have a dock. Mr. Reese said the dock was built from scratch. Mr. Young stated he doesn't have a problem with the variance request.

George Bovell stated it seems like an honest mistake and he doesn't think it's noticeable.

No public comment.

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

6. (20PZ00005) Rob Reynolds

A variance of Chapter 62, Article VI, Brevard County Code, Section 62-1341(5)(a), to permit a variance of 6 feet from the required 20-foot rear setback for a principal structure, in an RU-1-9 (Single-Family Residential) zoning classification on 0.72 acres, located on the southwest corner of Maine Street and Miami Avenue (2100 Maine Street, Melbourne) (Tax Account 2801224) (District 5)

Rob Reynolds, 2100 Maine Street, Melbourne, Florida, stated he is trying to add another structure to his property, and when he applied for the permit it was brought to his attention that the building that was on the property when he bought it is 14 feet from his property line and it needs to be 20 feet. He said he also added a carport to the side of that building four years ago, and it was brought to his attention that the carport had to be removed to get the variance.

Dale Young asked if the addition will be a residence. Mr. Reynolds replied it will be a garage.

Michael Hartman asked if the structure was permitted when it was built. Paul Body replied the structure was originally permitted, and someone added to it to make it 14 feet from the property line before Mr. Reynolds bought the property. Mr. Hartman asked if the original building was 20 feet from the property line. Mr. Body replied yes, and it was permitted.

Public comment:

Carmella McWhorter, 2119 New York Street, Melbourne, Florida, stated she is Mr. Reynold's neighbor to the rear and she is in favor of the variance request.

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

7. (20PZ00008) Doug Webster

A variance of Chapter 62, Article VI, Brevard County Code, Section 62-1340(5)(b), to permit a variance of 6.2 feet from the required 7.5-foot side (west) setback for an accessory structure, in an RU-1-11 (Single-Family Residential) zoning classification on 0.20 acres, located on the south side of Jacala Drive, approximately 500 feet east of North Montego Bay Drive (280 Jacala Drive, Merritt Island) (Tax Account 2417333) (District 2)

Doug Webster, 280 Jacala Drive, Merritt Island, Florida, stated the variance request is for a shed in Catalina Isles. He said he purchased the house in 1992 and there was a shed that was old and rusted, so he replaced it in 1994 with a wooden shed on the same footprint. He added that the shed is hidden behind two fences and there is no opposition from any neighbors.

No public comment.

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.

8. (20PZ00011) Canaveral Port Authority (Robbyn Spratt)

A variance of Chapter 62, Article VI, Brevard County Code, Section 62-2109(c), to permit a variance of 2 feet over the 4-foot height limitation for a fence within the front setback, in a PUD (Planned Unit Development) zoning classification on 0.58 acres, located on the south side of Hall Road, approximately 600 feet east of Judith Avenue (No assigned address. In the Merritt Island area.) (Tax Account 2410377) (District 2)

Robbyn Spratt, Natural Resources Department, Brevard County, 2725 Judge Fran Jamieson Way, Viera, Florida, stated she is the project manager for the Hall Road pump station, which is meant to serve approximately 12,000 acres of drainage area on North Merritt Island. This project has been designed, planned, and then shelved until 2014, and now the project is set to go again. She said an application was submitted in 2016 and it was discovered that some portions of the property were not owned by the County, so an easement was obtained from the Port Authority for the project at the location where the pump station will be located. There are ongoing drainage problems in the area and Natural Resources has done other work in the area to try to help with the flooding, and this project would help recovery time for the flooding north of Hall Road. She said the variance is for a six-foot fence instead of a four-foot fence for security, liability, and safety reasons.

Michael Hartman stated a six-foot fence would provide more security than a four-foot fence, and he thinks it's a reasonable request.

No public comment.

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

Upon consensus, the meeting adjourned at 3:35 p.m.