

Board of Adjustment Agenda

Wednesday, January 18, 2023, at 1:30 p.m.

Brevard County Government Center
2725 Judge Fran Jamieson Way, Building C, First Floor,
Viera, Florida

Approval of December 21, 2022 Minutes

1. **(22V00037) Susan E. Rice** (Howard Benziger) requests a variance of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-2109(a), to permit a variance of 6.3 ft. over the maximum 6-ft. height limitation for a 306-ft. long retaining wall along the north property line; 2.) Section 62-2109(a), to permit a variance of 5 ft. over the maximum 6-ft. height limitation for a 163-ft. long retaining wall along the south property line, in an SEU (Suburban Estate Use) zoning classification. The property is 5.14 acres, located on the east and west sides of S. Tropical Trail, approx. 290 ft. south of Sanderling Rd. (5995 S. Tropical Trail, Merritt Island) (Tax Account 2605705) (District 2)

BOA ACTION: McCann/Huffman - Approved as depicted on the survey provided by the applicant, and with the condition that the wall between the subject property and the property to the north taper down in height on the westerly 40 feet of the subject property. The vote passed 2:1, with Rhodes voting nay.

2. **(22V00046) Brian Scott Hall and Kim Fischer** request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1483(5)(a)(4)(a), to permit a variance of 10 ft. from the required 15-ft. side (east) setback adjacent to residential zoning for a building, in a BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classification. The property is 1.12 acres, located on the south side of S.R. 520, approx. 0.34 miles west of Lake Poinsett Rd. (No assigned address. In the Cocoa area.) (Tax Account 2444757) (District 1)

BOA ACTION: Huffman/McCann - Approved as depicted on the survey provided by the applicant. The vote passed unanimously.

3. **(22V00049) River Fly-In Condominium, Inc.** (Kim Rezanka) requests a variance of Chapter 62, Article IX, Brevard County, Code, Section 62-3316(e)(a)(2), to permit a variance of 131 sq. ft. over the 24 sq. ft. permitted for a wall sign in a multi-family development, in a PUD (Planned Unit Development) zoning classification. The property is 13.03 acres, located on the south side of Cone Rd., approx. 150 ft. east of Kemp St.; and on the east side of Kemp St., approx. 145 ft. south of Cone Rd. (701 - 741 Pilot Lane, Merritt Island) (Tax Account 2501008) (District 2)

BOA ACTION: McCann/Huffman - Approved as depicted on concept plan 2A provided by the applicant. The vote was unanimous.

4. **(22V00050) Curtis William Charles Pacleb and Christina M. Bakken-Pacleb** (Jonathan Lowman) request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1446(d)(3)(a), to permit a variance of 2.7 ft. from the required 20-ft. rear setback for a principal structure, in a PUD (Planned Unit Development) zoning classification. The property is 0.29 acres, located on the easterly side of Pauma Valley Way, approx. 365 ft. northerly of Inverness Ave. (431 Pauma Valley Way, Melbourne) (Tax Account 2603971) (District 4)

BOA ACTION: Huffman/McCann - Approved as depicted on the survey provided by the applicant. The vote was unanimous.

5. **(22V00051) Jamie and Heidi Nemeth** request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1334(5)(c)(3), to permit a variance of 0.25 ft. from the required 50-ft. rear setback for an accessory structure, in an AU (Agricultural Residential) zoning classification. The property is 2.69 acres, located on the south side of Huntington Ave., approx. 0.32 miles west of Dixie Way. (3425 Huntington Ave., Mims) (Tax Account 2005819) (District 1)

BOA ACTION: Huffman/McCann - Approved as depicted on the survey provided by the applicant. The vote was unanimous.

Pursuant to the Florida Rules of Appellate Procedure, any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may, within thirty (30) days after the date the order is signed, apply to a court of competent jurisdiction for appropriate relief. Speakers must provide their names and addresses for the public record.