

Minutes Board of Adjustment

1:30 PM

Call To Order - 1:30 P.M.

Approval of Minutes - January 19, 2022

H. Public Hearings

H.1. Kenneth Kurt and Tina C. Krokenberger request a variance for a fence/wall height in an EU-2 (Estate Use Residential) zoning classification. (21PZ00093) (Tax Account 2522033) (District 2)

Tina Krokenberger, 3401 Brahman Avenue, Rockledge, stated she bought the property in 2016 and soon after realized there was an area of 18 feet, north of the house, that was unusable. There is a drainage ditch along Martin Road that borders their property and dips down 6 feet from the foundation of the home. Their engineer didn't feel there were any problems with the house itself. She said she was told the original owner applied for a stem wall permit on the north edge of the house to protect the foundation, but there was no permit on record with the County. Instead of a stem wall, there was a monolithic slab with only 3 feet of a rock bed and an embankment protect the home, so the engineer put in a retaining wall and filled that area in with dirt. At the time, she knew a variance would be required because the retaining wall is almost 6 feet from the drainage ditch part of the property up to the foundation of the house. It is unusable because the code requires a railing for safety, and the railing requirement is a minimum of 36 inches, so they are asking for a 4-foot railing for protection of anybody who comes to the property. She pointed out if the drainage ditch is ever filled in with a culvert by the association that owns the easement, to match the culvert to the west, then it won't be 10 feet because the land will be filled in.

Kevin McCann asked if Ms. Krokenberger knew she would need a variance when the retaining wall was built with the fill dirt, which ended up being a concrete deck. Ms. Krokenberger replied, the original permit was approved for the retaining wall and the deck tied into the house without the railing, and that is why she is requesting a variance for the railing.

No public comment.

Motion by George Bovell, seconded by Kevin McCann, to approve the variance as depicted on the survey provided by the applicant.

The Chair read aloud the six criteria for a hardship and explained the justifications for approving the variance.

Bill Huffman called for a vote on the motion as stated and it passed unanimously.

Result: APPROVED

Mover: George Bovell

Secunder: Kevin McCann

H.2. Kathryn L. Miller, Revocable Trust (John T. Miller) requests a variance from the required lot width in an RR-1 zoning classification. (21PZ00072) (Tax Account 3008367) (District 3)

Laura Young, Attorney with Dean Mead Law Firm, explained that the applicants are requesting a variance because in 1988 the property was administratively rezoned by the County during its comprehensive plan adoption to a classification that the lot width does not comply with; the lot width is approximately 77 feet; the required lot width in the new zoning classification is 125 feet,

so in order to develop the property, they are asking for the minimum variance necessary in order to be able to build on the lot. Other lots in the area were also administratively rezoned.

David Arambula, 671 Indian River Drive, Melbourne, stated he is the buyer and he is working with a builder. He noted the property next door has the exact same width and also has a variance.

Motion by Kevin McCann, second by George Bovell, to approve the variance as depicted on they survey provided by the applicant.

The Chair read aloud the six criteria for a hardship and explained the justifications for approving the variance.

Bill Huffman called for a vote on the motion as stated and it passed unanimously.

Result: APPROVED

Mover: Kevin McCann

Second: George Bovell

- H.3.** Jeffrey D. and Gayle T. Kluesner request a variance for a principal structure in an RU-1-11 zoning classification. (21PZ00096) (Tax Account 2730449) (District 5) Staff requests this item to be tabled to the 03/16/22 BOA meeting.

Jeffrey Ball stated staff is asking that the item be tabled in order for staff to have more time to work with the applicant.

Motion Jack Higgins, seconded by Bill Huffman, to table the item to a future BOA meeting.

Result: TABLED

Mover: Jack Higgins

Second: Bill Huffman

- H.4.** Board of Adjustment Workshop

The board heard a presentation by staff on the variance process for the Board of Adjustment.

Public Comment

Adjournment

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.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify the Planning and Development Department no later than 48 hours prior to the meeting at (321) 633-2069.