

BOARD OF ADJUSTMENT MINUTES

The Brevard County Board of Adjustment met in regular session at 1:30 p.m. on Wednesday, June 17, 2015, in the Commission Room, Building C, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, with Chair James Rosasco presiding, to consider the following requests:

Board members present were:

Britta Hawkins, District 1
Wayne Snyder, Vice Chair District 2
James Rosasco, Chair, District 3
George Bovell, Alternate, District 4
Dale Young, District 5

Staff members present were:

Christine Lepore, Asst. County Attorney
Paul Body, Planner I
Jennifer Jones, Special Projects Coordinator II

The Chair, James Rosasco, called the meeting to order at 1:30 p.m. The five members present voted throughout the meeting.

James Rosasco – I now call the scheduled meeting of the Board of Adjustment to order. Would the staff from Planning & Development Office please describe the function and operation of the Board of Adjustment to our applicants and audience.

Paul Body – Yes, Mr. Chairman. The Board of Adjustment is a quasi-judicial body established by the Board of County Commissioners under Chapter 62, Article II, Division 4, of the Brevard County Code. The Board of Adjustment is empowered to hear requests for variances to the Zoning Regulation, and the Sign Regulation, in Chapter 62, Article VI and Article IX, pursuant to Section 62-254, Brevard County Code. Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may, within 30 days after the date the order is signed, apply to a court of competent jurisdiction for appropriate relief. Mr. Chairman, you have two items on your agenda today.

James Rosasco – Thank you, Paul. Mr. Snyder, would you please explain to our applicants and the audience the definition of a hardship.

Wayne Snyder – Yes. An Undue Hardship. A variance may be granted when it is not contrary to the public interest, and where owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary and undue hardship. The term “undue hardship” has a specific legal definition in this context, and essentially means that without the requested variance, the applicant will have no reasonable use of the subject property, under existing development regulations. Personal medical reasons shall not be considered as grounds for establishing undue hardship sufficient to qualify an applicant for a variance. Economic reasons may be considered only in instances where a landowner cannot yield a reasonable use, and/or a reasonable return, under the existing land development regulations. The applicant must answer a variance hardship worksheet with six questions. The Board of Adjustment will discuss these questions today with each applicant who has requested a variance.

James Rosasco – Thank you. I would like to address our board members, the applicants, and the audience for a moment. The Board of Adjustment is a quasi-judicial board with members appointed by the Brevard County Board of Commissioners. We’ll utilize Robert’s Rules to conduct our meetings. The Chair is asking all board members not to ask questions while the applicants are making their presentation. Once the applicants have completed their presentation, we will begin board questioning with the board member who represents the applicant’s district. When concluded, questioning is open to the full board. I am asking that the Chair recognize each board member. Once all board members have completed their questioning, we will then open to the audience who may be here to speak concerning the applicant’s application. Anyone from the audience wishing to speak will be given the opportunity to address the board only once. At the conclusion of public comment, the applicant will be given additional time for rebuttal, as well as to present their final comments. Once completed, no further comment will be heard from the applicant or the public. We will not

use a timer for this meeting. Instead, we are asking each speaker to be concise in what they have to say. It is important that you stay on the subject and avoid information that is not relevant. All persons speaking must provide their name and address for the public record. Those wishing not to verbally state their address may ask the clerk at the podium for an address card. Please fill it out and return it to the clerk. Are there any questions from the board members about the Chair procedures? (no response) Are there any questions from the applicants about the Chair procedures? (no response) Are there any questions from the audience about the Chair procedures? (no response) Seeing none, before going forward, our first order of business is to approve minutes from our previous meeting on June 17, 2015. Are there any additions or corrections to those minutes? Seeing none, do I have a motion to accept those minutes?

Wayne Snyder – Yes, sir, Mr. Chairman, I move that we accept the minutes from the previous meeting, June 17, 2015.

Britta Hawkins – I second.

James Rosasco called for a vote on the motion as stated, and it passed unanimously.

1. (15PZ00038) – DONALD G. BOWLES – requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1336(5)(b) to permit a variance of 6 ft. from the required 15 ft. minimum side (north) setback for an accessory structure, in an RR-1, on 1 acre, located on the west side of Merri Oaks Ct., approx. 230 ft. north of Dutchess Pl. (2530 Merri Oaks Ct., Cocoa)

BOA ACTION: Hawkins/Bovell – Approved as depicted on the survey provided by the applicant. Vote was unanimous. 15PZ00038.

James Rosasco swore in the applicant.

Donald Bowles – Donald Bowles, 2530 Merri Oaks Ct., Cocoa, Florida. I have an existing building that was built with a County permit in 1996. The building has a carport attached to it as part of the original building. This year, I put in a permit to get the carport enclosed, and at that time I was told the building is not per code for the setbacks. We were not aware of this 20 years ago when we built the building that we were violating any code, and the County signed off on the original building way back in 1997. So, I was a little surprised that the permit got denied. I'm not sure what else you want.

James Rosasco – Anything you'd like to say.

Donald Bowles – I'd like to get my permit so I can enclose my carport.

James Rosasco – We'll open the questioning with Ms. Hawkins.

Britta Hawkins – Thank you. Now, the way it appears is that.....

Paul Body – Can you speak more into the mic for us, please.

Britta Hawkins – Better? The way it appears.....

Paul Body – We still can't hear you very well.

Britta Hawkins – It shows it's on.

Paul Body – I know it's on, but we can't pick it up on the recorder.

Britta Hawkins – The building, including the carport, the way it is, was built in '69?

Donald Bowles – No, it was built in 1996-1997.

Britta Hawkins – And at that time there was no code violation, right?

Donald Bowles – Correct, I got my final permit signed off.

Britta Hawkins – Mr. Body, has the code changed in the meantime?

Paul Body – No, it hasn't. There might have been some confusion in whoever reviewed it. The code calls for in the zoning he has for a 10 ft. setback to a primary house, but 15 ft. for accessories, so it must have gotten looked over by whoever reviewed it back then, but it did require a 15 ft. setback. Right now, he's just trying to enclose the carport, so it was brought up that it doesn't meet the setbacks.

Britta Hawkins – So, by just not changing the foot print, and just enclosing it, right, that's all you're trying to do?

Donald Bowles – Correct.

Britta Hawkins – The building has been there and at that time you received a permit. I do see really no other.....I don't see any problems with it. I have no further questions.

James Rosasco – Does anyone else on the board have any questions?

Wayne Snyder – Sir, I did visit your property, and it is nicely kept and in well order. I did notice the area in question. There was a truck parked there, so I did see that. I personally see no reason why we should not grant you permission to enclose that. It is setback, well-kept, and nicely maintained. I have no further questions, sir.

Dale Young – Mr. Bowles, have you talked to your neighbor to the north? Is he in agreement?

Donald Bowles – Yes, they said they didn't have any issues.

Dale Young – Woodworking shops get a little noisy.

James Rosasco – Are there any other questions from the board? Please have a seat and we'll open it up to the audience. Is there anyone in the audience who would like to speak in favor or opposition to this variance? Seeing none, would you please return to the microphone? Do you have any closing statements?

Donald Bowles – Yes, I just want to state that I'm asking the variance just for the building so I can get it enclosed. I'm not asking for a variance so that in the future I can put an additional building 10 ft. off the lot line. I just want to get my carport enclosed, that's all.

James Rosasco – Thank you, please have a seat. We're now going to close the public hearing. What's the pleasure of the board?

Britta Hawkins – I would move to approve since there's no real special conditions or circumstances here. It was all approved as built initially. We're not giving any special privilege to anyone. The mistake was made not by the applicant, so I do think that while the literal enforcement of the provision would not deprive the applicant of rights here, I mean, all he wants to do is enclose the shop and it's the minimum that he would require and it's what he's asking for. So, therefore, I would move to approve as depicted on the survey and just for this particular structure for the enclosure.

George Bovell – Second.

James Rosasco called for a vote on the motion as stated, and it passed unanimously.

James Rosasco – Any discussion?

Wayne Snyder – The only thing I would suggest to Ms. Hawkins is that she limit the enclosure to the north side of the structure only, so that's perfectly clear. It looked fine to me, but with your approval, Ms. Hawkins, I suggest you limit the enclosure to the north side of the structure.

George Bovell – I need to say something here. Is that what you want? You want to enclose the entire thing?

Donald Bowles – I just want to enclose the carport portion, that's it. On the south side it's got like a little porch on the building.

George Bovell – What about the other side?

Paul Body – You need to speak into the microphone.

George Bovell – What about the sides?

Donald Bowles – I'm not sure what you mean by the sides. There's a building there.....there's an existing building with an attached carport.

George Bovell – I understand. So, the only portion that you want to enclose is the north side?

Donald Bowles – Correct.

George Bovell – That's what I wanted to clear up.

Britta Hawkins – Then I have no problem with limiting the variance for the enclosure on the north side of the building since that's what the applicant is requesting.

James Rosasco – We're giving a variance to a setback, and I don't think it's a good idea for us to start limiting construction. Our job is to give variances and not give variances. So, I would suggest that we're saying that we're going to grant him the variance as requested, and I would be hesitant to add language to only build this part, or only built that part. Our job is just to grant variances, and even though we have a great deal of latitude of putting any kind of limitations on that, I really would be hesitant to get into the construction of stuff that's not even near this property line. I think that's handled by the building department, so I would respectfully suggest, Mr. Snyder, that we just limit our discussion to the variances as requested.

Wayne Snyder – I'll accept that, and I think the applicant understands.

James Rosasco – Can you restate your motion, please?

Britta Hawkins – Yes. I would move to approve the variance as requested on the survey to the 10 ft. instead of the required 15 ft. on the north side.

George Bovell – Second.

James Rosasco called for a vote on the motion as stated, and it passed unanimously.

2. (15PZ00041) – DONOVAN HOMES, LLC – (John R. Campbell) – requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1340(5)(a) to permit a variance of 1 ft. from the required 7.5 ft. minimum side (east) setback, for an addition to the principal structure, in an RU-1-11 zoning classification, on 0.17 acre, located on the south side of Glen Haven Dr., approx. 0.13 mile east of Captain's Row (1555 Glen Haven Dr., Merritt Island)

BOA ACTION: Snyder/Hawkins – Approved as depicted on the survey provided by the applicant. Vote was unanimous. 15PZ00041.

John Campbell – Good afternoon, Mr. Chairman, my name is John Campbell, and I'm a land surveyor. My office is at 115 Alma Boulevard, Merritt Island. I'm here representing with my client this issue that's coming before your board. Since it's mostly a surveying issue, he has asked me to speak for him and he's here to answer any questions that you might have.

James Rosasco swore in the applicant.

John Campbell – I have a handout, which is my survey along with an aerial photograph.

James Rosasco – We will have to keep whatever you submit.

John Campbell – I'd like to explain that this is a home that was built in the early 1960's. I actually lived in the neighborhood off of Captain's Row, so I'm very familiar with it. The house, as far as I can tell by looking at it, there's never been any changes to the initial footprint of the building. My client obtained this property through foreclosure, and while the structure is a nice structure, it was still tired and dated and needed renovations. Part of the renovations were to enclose the carport where I've got marked 'proposed garage'. The carport was there, and the roof line and everything else was there. I went to the zoning department and talked to Paul Body about an administrative request to ask for a 10% variance, which would have given us nine inches. We needed a foot, but we could have worked around it, but Paul pointed out that the rest of the house was also within that setback area, and he recommended that we come before you and seek the full one foot variance. Part of that would be used to enclose the carport. The balance of the house is still within that violation of the setback at 6.5 ft., and I marked that in yellow on my survey to show you what it looks like. We went to the neighbor to the east and asked if they had any objections and we got a small note from them that should be in your file saying that they had no objections to granting this variance. Again, this was no problem for Mr. Donovan when he bought the property, and the improvements he's making on the home will certainly be a benefit to the neighborhood. The reasons why we would hope for your approval is to understand that we had nothing to do with the location of the house as it was built 50 years ago. The purpose is to enclose the carport, which will modernize the house with a garage. The area behind the carport is a portion of the dwelling that has the laundry room and utility area, and that area is shown in a heavy dark line on my survey. I did check, and there is approximately 15 feet dividing the two houses – the house to the east and this house, although there is not 7.5 ft. on our side of the line. It's pretty obvious that the developer many, many years ago built the house, and I don't believe they were required at that time to submit surveys – which I'm glad now that they do. So, I would like to ask your approval. This is a minimum setback and we're not asking to build into any additional area other than enclosing the carport with walls, which will make it a garage. By doing this, you will also eliminate the zoning violation that we have on the balance of the house. I'm sure Mr. Donovan wants to renovate this house and likely put it back on the market to sell, and it would be a problem knowing of this violation. So, I respectfully ask that you approve it as it's the minimum amount of variance that we need and we're going to go ahead and rehab this house and make it look better and a credit to the neighborhood. I'm open to any questions and Mr. Donovan is here as well.

James Rosasco – Thank you. This is in District 2, which is Mr. Snyder's area.

Wayne Snyder – Thank you for coming. I did visit your property, I was there. I drove the neighborhood and I'm kind of familiar with the area anyway, but just to confirm for the record, in the worksheet, many of the surrounding homes do have attached garages. I will confirm that. Upon completion and approval, sir, is your intention to repaint the building and the garage to match and conform?

John Campbell – I'll let Mr. Donovan answer that question.

James Rosasco swore in the applicant.

Robert Donovan – My name is Robert Donovan, 2482 Glen Ridge Circle, Merritt Island.

Wayne Snyder – Do you need me to restate my question?

Robert Donovan – No, sir. The garage will look like the existing home when we're done, it will be stuccoed to match the exterior of the existing home and the home will be painted as well so that it will look like it was there from day one. That's our end-goal on it, and that's what we're hoping to do.

Wayne Snyder – So, I understand correctly that it will all be uniform and match?

Robert Donovan – Yes, sir.

Wayne Snyder – It definitely would be a plus for the neighborhood and I commend you for making those improvements. I have no further questions, everything looked in order.

James Rosasco – Any other questions from the board? Ms. Hawkins?

Britta Hawkins – I would move to approve, I don't have any questions.

James Rosasco – Before we take motions let's see if there's anyone in the audience who would like to speak. Please have a seat. Is there anyone in the audience that would like to speak in favor or opposition to this variance? If you'd like to speak you'll have to come up and be sworn in.

Jane Roberts – Jane Roberts, 3884 South Ridge Circle, Titusville.

James Rosasco swore in the speaker.

Jane Roberts – I just wanted to state it would be great to update the neighborhood.

James Rosasco – Thank you. Any other speakers? Seeing none, would you please approach the podium again? Do you have any final closing statements?

John Campbell – No, I feel that we've done a good and adequate job. Mr. Donovan?

Robert Donovan – No questions.

James Rosasco – We'll now close the public hearing component of this variance request. What's the pleasure of the board?

Wayne Snyder – I'll move to grant the approval to permit a one-foot variance from the required 7.5 feet on the east side of the property – understood east side of the property – location being 1555 Glen Haven Drive, on Merritt Island. I move that we grant the approval.

Britta Hawkins – I second it.

James Rosasco called for a vote on the motion as stated, and it passed unanimously.

3. (15PZ00034) – TONY A. ROBERTS AND DAVID ROBERTS – (Aimee Taylor) – request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-2100.5(1)(d) to permit a variance of 2,637 square feet over the maximum 721 square feet (50% of the living area of the principal structure) allowed for an accessory structure, in a SR zoning classification, on 0.8 acre, located on the east side of Old Dixie Hwy, approx. 0.21 mile south of Parrish Rd. (1913 Old Dixie Hwy, Titusville)

BOA ACTION: Hawkins/Bovell – Approved as depicted on the survey provided by the applicant. Vote was 4:1, with Snyder voting nay. 15PZ00034.

James Rosasco swore in the applicant.

David Roberts – David Roberts, 1913 Old Dixie Highway, Titusville. I had several businesses going on at the property here and I built some awnings over the sides of the pre-existing building there, and a bad friend called and complained one day, and in this case I'm here trying for this variance. I have some more copies.....you have a copy of the signatures of everybody within 200 feet. I've got two new ones on there as of now that you have, if you'd like a copy of that.

James Rosasco – If you'd like to present that to the board we will keep it.

David Roberts – And I also want to present to the board a picture from the front of my property looking at my house where you can't see any of the buildings or anything behind there.

James Rosasco – You realize we'll have to keep these as submitted, thank you.

David Roberts – Some of the buildings we put up was to protect our equipment from the rain. We have family gatherings; we don't have back porches or nothing like that, so to stay out of the rain and everything we have family gatherings out here and every day after work a bunch of my buddies come over and we all hang out underneath this property. We've had a bunch of damaged equipment from the rain and the sunshine and everything, so we went ahead and put these things up without a permit and now we're here to try to get a variance to see if we can get a permit to keep these structures up. Other than that, it's up to you guys. I've presented a lot of different things to you today to make it look good for me and now it's all you.

James Rosasco – We'll start the questions with Ms. Hawkins.

Britta Hawkins – How big is the property?

David Roberts – 0.80 acres.

Britta Hawkins – So, it's long and skinny?

David Roberts – Yes, long and skinny.

Britta Hawkins – For those carports, it looks like concrete.

David Roberts – Yes, ma'am.

Britta Hawkins – You don't have any close neighbors it looks like.

David Roberts – I have one neighbor that's on the one side of me, and it's woods and a retention on the other side, and I've went around over the 200 feet recommended for my neighbors and they all signed a thing saying that they approve of the buildings and it doesn't bother them in any way, and they've all been happily to sign.

Britta Hawkins – I have no further questions.

James Rosasco – Any other questions from the board?

Dale Young – Paul, what's the difference between Suburban Residential? What does that do for us?

Paul Body – It's a single-family zoning classification that requires at least a half-acre of land. It doesn't allow horses or anything like that. It is not an agricultural zoning, and it is not a commercial zoning.

Dale Young – You said you had several businesses?

David Roberts – I have two businesses to keep up with the economy and the price of living and everything. I back those up in those two.....in the coverage there and it keeps them out of the elements of the rain and everything. Since then, I've had a lot less property damage from the weather and everything, you know, equipment sitting out in the rain is not good.

Dale Young – I see here the property to the south of you looks like a mining operation. What is that?

David Roberts – It's a retention pond. They built a neighborhood a block or two away and that was the retention pond that they needed for the neighborhood there and it's all vacant and nobody will ever be there.

Dale Young – What's on the other side of you?

David Roberts – On the other side I have a neighbor and his father lives on the other side of him and they've all signed the paper there that they have no problems with the buildings or anything I have there.

Dale Young – I see a car lift in the garage. Do you do repair work?

David Roberts – I fix my equipment and I do a couple of sporting fun sports and I work on that.

Dale Young – Is that a business?

David Roberts – No, no business, just for personal use.

Dale Young – You don't have a motor coach?

David Roberts – No.

Dale Young – I see you have a pretty big building here for the equipment. I don't have any other questions right now. The question would be the commercial aspect of it.

James Rosasco – If I can clarify, I guess what you're asking, Mr. Young, is there any business enterprise – auto repair business – going on at this location. Is that what you're implying or asking?

Dale Young – Well, you made some comments in your correspondence here about income, that you need this for income. Is this income for your other business operations?

David Roberts – No, what was happening is I had my equipment there. I have two businesses: a pressure washing business and an asphalt business. I had my equipment sitting outside in the elements and for a few years there I was replacing engines and tanks and this and that.....

Dale Young – But your own equipment?

David Roberts – Yes, my own equipment.

Dale Young – You're not selling your automotive services?

David Roberts – No, no services there. I've also had Code Enforcement called on me also for running a garage or something out of there and it's all been signed off saying that there's no garage here, no cars on the property getting worked on.

James Rosasco – Thank you.

George Bovell – So, the lift that we see here is really just for your use?

Paul Body – Can you speak more into the microphone?

George Bovell – The lift that we see here is for your personal use, to fix your own equipment?

David Roberts – Yes, sir.

Wayne Snyder – Are we talking about 1913 Old Dixie Highway?

David Roberts – Yes, sir.

Wayne Snyder – That's the property?

David Roberts – Yes.

Wayne Snyder – I refer to page 357 in the code book, and it's Section 1, and from looking at some of these things, it doesn't correspond with the code book. The other question I want you to verify is, I see where there is Code Enforcement action against the property.

David Roberts – Yes.

Wayne Snyder – Number 15CE00738. Are you aware of that, sir?

David Roberts – I'm not real familiar with that number.....

Paul Body – We do have Code Enforcement here if you want to ask them about the Code Enforcement cases, Wayne.

Wayne Snyder – Ok, will you please.....

James Rosasco – Let's finish the questioning and then we'll call the witness after.

Wayne Snyder – Also, I understand that when the buildings/carport areas were put up you did not apply for a building permit.

David Roberts – Yes, sir.

Wayne Snyder – Is that correct?

David Roberts – Yes, that's correct.

Wayne Snyder – When did you take possession of the property?

David Roberts – I have the warranty deed there, I think it was 2004 when I moved in there, 12 years ago.

Wayne Snyder – From what I can gather here in 2004 you put up one of the carports.

David Roberts – Yes.

Wayne Snyder – And no building permit was.....

David Roberts – The first building there that's enclosed has a permit and it's been passed.....

Wayne Snyder – Yes, I understand that.

David Roberts – And then two or three years later I put up one on the left side to cover up some equipment, and then a few years later I put up the other one without permits. I didn't think if they were enclosed they needed a permit, because around town there's so many of those little carport awnings around that I didn't think that everybody was getting a permit. Once this variance gets through I'm getting a permit, engineering, and everything done on it if we pass on the variance.

Wayne Snyder – So, in 2004 no building permit was obtained, but the structure did go up?

David Roberts – No, the building in 2004 had a permit and everything is here and I have the documentation on that building there.

Paul Body – Wayne, if you look at the survey, the garage that is on the survey, it had a permit for it, but all the covered carports that have been attached to the garage do not have any permit or never were permitted.

Wayne Snyder – Ok, then let's go to 2005. That was a carport? No building permit was obtained?

David Roberts – No, sir.

Wayne Snyder – Now let's go to 2010. No building permit was obtained, and that was the second carport?

David Roberts – Yes, sir.

Wayne Snyder – And you are aware of the fact that there is Code Enforcement against the property?

David Roberts – Yes, sir. If this variance gets passed Sean, the Code Enforcement guy, is here and he passed me on everything that was called about and if this variance gets passed I can go on to the permit department and he's going to sign me off and there will not be any more Code Enforcement violations on the property.

Wayne Snyder – What you're saying, sir, is all on assumption.

David Roberts – Yes. It's a fact, more or less. I want things straight. I don't want somebody, if they have a problem with what I have, I don't want them to call Code Enforcement on me.

Wayne Snyder – After reviewing this, what's happening here is you are 2,637 square feet over the allowable amount. Allowable is 721 square feet. I refer to page 357 in the code book, of which I have. Also, may I remind you that you are in an SR area. Is it an absolute need that you have that size building? Is that a must?

David Roberts – It is. I have a couple of trailers and equipment and everything, that the elements play a big toll on them for the damage and whatever it would cost me to keep these buildings to be able to be there would way overprice the repairs on the equipment that sits underneath those, yes.

Wayne Snyder – Actually, what you're looking for is that you want this board to legitimize – make it legal – for you to put up a 3,357.42 square foot building. That's what you're wanting us to do.

David Roberts – Yes, sir.

Wayne Snyder – Do I have that correct?

David Roberts – Yes, sir.

Wayne Snyder – Mr. Chairman, I have no further questions, but I do have a little difficulty with this.

James Rosasco – I have a couple of quick questions. On the survey here it says something about something in the back to be removed behind the existing garage. Could you explain what that's all about?

David Roberts – I have an air conditioner in one of my garages and I had a little lean-to over the top of it, but if this variance gets passed it's coming down immediately.

James Rosasco – And the garage you got permitted and built in 2004, it has a canopy in front of it. That was all part of the original in 2004?

David Roberts – No, it was without a permit, just an overhang coverage.

James Rosasco – So, it's really these pre-fabricated awnings things, there's three of them we're talking about.

David Roberts – Yes.

James Rosasco – Any other questions from the board?

Wayne Snyder – Sir, I'm sorry, and I'm a farm kid, so I'm used to country, but I have a little problem seeing the size of that building sitting on that property. The other thing that doesn't sweeten the pot – I'll be honest with you – is not applying for building permits.

(TAPE CHANGE)

David Roberts – At the time, I knew that the enclosed garage.....I would have had a bigger one, but that was all that I was allowed, so I thought that these overhang awnings that everybody puts up in front of their house....if you drive down the road there's thousands of these little canopies/awnings. I didn't think that they would really require a permit because they didn't have electricity or water, and they're not even closed in or anything.

Wayne Snyder – The unfortunate situation is that you're here before this board, not the other people. The other thing is this is my book right here, and I have to go by this book, and this is what was presented to me, and I have to follow the rules and regulations in here and make sure that we can make it work. To be totally honest with you, and I'm a pretty lenient guy, you're way overboard here. I'm sorry to tell you that, but you are.

David Roberts – I knew it was going to be a difficult variance to get passed.

Wayne Snyder – I can't speak for my fellow board members, they are very brilliant on these subject.

David Roberts – I wish you were in my area that you could have come out and looked at it. Of all the places that you look at, this is well-kept topnotch-built stuff there. It's beautiful. Some places I've seen they just throw junkyard stuff together and that's what they have.

Wayne Snyder – I fully understand that. We're just dealing right now with 1913 Old Dixie Highway and that's all that we can address. I'm sorry. Mr. Chairman, I have no further questions.

Dale Young – Paul, do you have any idea when this was zoned SR?

Paul Body – Not right now I don't. I think it's been there a while.

Dale Young – Would it have been Ag prior to that?

Paul Body – No, it didn't meet the acreage requirement for being agricultural, which it would have needed to be before 1975.

James Rosasco – Have a seat for moment, please. Could we request the Code Enforcement officer to step forward?

Maggie Castellano – Maggie Castellano, I work for Brevard County, I'm a Contractor Licensing investigator. Do you need my address, or just my employment.

James Rosasco – You can just say Brevard County.

James Rosasco swore in the witness.

Maggie Castellano – On approximately April 20th our office received a complaint that work was being done on this site without the required permits. My office enforces the lack of permits and lack of licensure, when licensure is required.

James Rosasco – Excuse me, when you say work was being performed, are you talking about a contractor worked on construction? I'm not sure what you mean by that.

Maggie Castellano – The caller was not certain whether it was a homeowner performing the work, or whether or not it was an unlicensed entity, which is why I went out. I arrived onsite and I attempted to knock on the door, but there was nobody there. I witnessed – if you care to see photos – there were two existing structures; the north and the center structures were existing; the southern portion of the structure was new as of April of this year. The other thing we saw, again, as we were uncertain who was performing the work, we contacted the Code Enforcement officer and asked them to also investigate. Our case is open as well as theirs. There were other structures on the north side of his property being stored at the time of my visit to the property. In the one photo you will see that there are ladders and such for the work that was commencing on the third section of the overhang, and the only permit that we were able to ascertain that had ever been in place was the one in 2004 for the hard structure. No part of any of the carports could be find any permitting for.

Sean Donovan – Sean Donovan, Brevard County Code Enforcement.

James Rosasco swore in the witness.

Sean Donovan – I assume since Ms. Castellano has covered the other parts of the building and structures, the complain that I responded to said, “three large carports erected without permits, operating an unlicensed auto repair shop from home, equipment stored in the backyard, junk truck in back yard, running loud trucks without exhaust, noise out of control.” That’s what I went to investigate. I didn’t find any auto repair business. There may be repairs to auto repairs occurring there, but that requires an exchange of compensation in some fashion to be a business. What I saw was equipment associated with the businesses that the homeowner has a local business tax receipt to operate, and it lists that address as the business address. The vehicles that I saw, and the equipment, didn’t constitute, in my opinion, to be heavy duty commercial equipment; therefore, our zoning code allows him to have that equipment on the property as long as it’s within the confines of the property lines. Of the structures themselves that I saw, when I discussed those with him he told me he erected them without a permit, and I told him I would be sending him notice that required that he move forward and get permits for the structures.

James Rosasco – Ok, so, if I can summarize, we don’t have any question about businesses being conducted on the property? Really, all he’s focused on is these canopies/carports that are built without permits?

Sean Donovan – As far as I’m concerned. I didn’t see any other violations.

Maggie Castellano – That’s correct.

James Rosasco – So, they’re requesting variances, and that’s what we’re concerned about, the fact that we have carports that were constructed without permits and there’s nothing else that we’re involved with, correct?

Sean Donovan – Yes.

James Rosasco – Does anyone from the board have any questions?

Britta Hawkins – I have a question for Mr. Body. These carports, does the flooring make the difference?

Paul Body – No. You can have flatwork as far as zoning is concerned. It’s whenever you start putting up a structure that they need to meet the codes for that. So, if they tore the flatwork down it would just be like a driveway, and they can have those. There’s nothing that prevents them from having flatwork concrete.

Britta Hawkins – So, if those carports, those roofs, would sit, it doesn’t matter whether they sit on concrete or on.....

Paul Body – No, they could be on dirt and still have to meet and get code to meet the size requirements for the zoning, and also for the building loads and such. They could sit on dirt, though.

James Rosasco – Any other questions from the board? Thank you, very much, for your testimony. Is there anyone in the audience who would like to speak in favor or opposition to this variance? Seeing none, would you come back to the podium, please, for your final comments?

David Roberts – I just hope for the best on getting the variance. I know it was a lot of square-foot there that I have, but it takes a lot, and when you have a truck and trailer it eats up some square-foot, and on my property I’m allowed three of the same size buildings, they just can’t be touching and these are touching, and I’m trying for the variance and hoping for the best.

James Rosasco – Have a seat and we'll close the public hearing component of this variance request. What's the pleasure of the board? Ms. Hawkins, it's in your district.

Britta Hawkins – Actually, I can understand the reasoning behind it. This is a difficult thing; however, I would.....where it is located, it does not seem to be interfering with anybody at all, and will not in the future either because the retention pond is there to the side of it, so it's clear nothing is going to go there. So, I can see there's.....I would move to approve the variance.

George Bovell – I will second it.

James Rosasco – Discussion?

George Bovell – Yes. The tough part I had was that you did it without a permit, and if you had applied for permits earlier I don't think this would have been approved; however, I do a lot of work in that area and I am familiar with the essence of the community, and the fact that none of your neighbors have any issues with it, and the fact that you can stand on the street and look at your property and don't see these sheds, that's why I'm leaning towards approving it. The fact that you can't see it from the street, the general essence of the neighborhood, and the fact that the neighbors don't have a problem with it is why I'm going with it.

Dale Young – This property is more than 300 feet deep from the road and it's a long way back there for anybody to even notice. I see this general area under this zoning is sparsely populated. I would support the variance.

Wayne Snyder – I'm not really too happy with it to be honest with you. I'm an abide-by-the-rules-and-regulations-guy and somebody took the time to write this book and give it to me, and I appreciate that. So, I'm not too happy with it to be honest with you. No further questions, Mr. Chairman.

James Rosasco – Well, for my two cents worth, I think we've all come to the conclusion that this is a unique situation taking into consideration your neighbors have no complaints, taking into consideration the neighborhood, the fact that it's not Viera. I would be in favor of it as well. If we have no other questions, we have a motion and a second.

James Rosasco called for a vote on the motion as stated, and it passed 4:1, with Wayne Snyder voting nay.

4. (15PZ00043) – DIANE H. PARADIS – (Troy Douglas) – requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1405(6)(a) to permit a variance of 1.5 ft. from the required 7.5 ft. minimum side (south) setback, for an addition to the principal structure, in a TRC-1 zoning classification, on 0.11 acre, located on the west side of Barefoot Circle, approx. 320 ft. south of Barefoot Blvd. (1012 Barefoot Cir., Barefoot Bay)

BOA ACTION: Bovell/Hawkins – Approved as depicted on the survey provided by the applicant. Vote was unanimous. 15PZ00043.

James Rosasco swore in the applicant.

Troy Douglas – Troy Douglas, 3340 Grant Road, Grant, Florida. I have some paperwork here so everyone can follow what's going on. I'm here on behalf of Ms. Paradis. She was given a survey at the closing of her home, and she had decided to construct a screened room on it. I am the builder for the screened room; I obtained the survey from her; and it went through the Building Department and it was all approved. After the building of it an as-built survey was required and we submitted that and found out that the original survey that was given to her at the closing of her house was incorrect. I had drawn to-scale the screened room showing how small it actually is right now and that it will only accommodate a standard table and chairs, and there's very minimal

walking space around the steps for the entry to the mobile home. If the variance is not granted and the wall had to be moved back, the structure would not be usable, and you wouldn't be able to pass between the steps and the wall, nor would you be able to have a table and chairs in that area. I also obtained a letter from the neighbor of the adjoining property stating that he has no concerns if you were to grant this request. Do you have any questions for me?

James Rosasco – This is District 3, which is my area. It's not unusual to have these conflicts in Barefoot Bay; we see it quite often. I can also see by your sketch about putting the table in that screened porch. You don't have a whole lot of room after you have a table and a couple of chairs next to it. I also appreciate the fact that you have the neighbor that would be most affected by your situation express the fact that he has no problems with it. So, that all being said and done, I have no problem with the variance, but I can't speak for the rest of the board, so I'll open it up to their questions.

Dale Young – Barefoot Bay was set up for single-wide homes, so once the hurricane came along it created a lot of problems with the new double-wides, so we've seen this quite often. I wouldn't have a problem either.

Wayne Snyder – I just want to point a few things out. I noticed in the zoning code that the area in question is TRC-1. I noticed that according to the code, the back setback on the property is 16 ft. 5 in., and I noticed on the side, the subject in question, is 7.5 ft. and you're down to 6 ft., and I noticed in the rear it's 15 ft., and you only have 6 ft. there. So, I'm just kind of advising you that you do have some additional problems on this lot.

Paul Body – There is a blanket variance on all of Barefoot Bay that allows them to build 7.5 ft. off the side and rear property lines, and 10 ft. off the front property line.

Wayne Snyder – I missed the first comment.

Paul Body – There's a blanket variance on all of Barefoot Bay that allows them to build 10 ft. off the front property line and 7.5 ft. off the side rear.

Wayne Snyder – Thank you. I was just going by the book and didn't want you to have a problem in the future. I can understand what you're doing and I don't have any problem with what you're doing on the south side per your request.

Britta Hawkins – I have no questions.

James Rosasco – Please have a seat. Is there anyone in the audience who would like to speak in favor or opposition to this variance? Seeing none, please come back and give us any final comments you might have.

Troy Douglas – I don't really have any final comments other than this was all a mistake made by a surveyor that we found out later.

George Bovell – I move to approve the variance as depicted on the survey.

Britta Hawkins – I second it.

Wayne Snyder – Is that a motion?

George Bovell – Yes.

Wayne Snyder – I'll second it.

James Rosasco – We have a motion and a second, any discussion?

James Rosasco called for a vote on the motion as stated, and it passed unanimously.

5. (15PZ00044) – JIM RIDGE AND TERRY L. WHARTON – request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1334(5)(b) to permit a variance of 5 ft. from the required 15 ft. minimum side (west) setback for an accessory structure in an AU zoning classification, on 5 acres, located on the north side of Pine Island Rd., approx. 0.16 mile west of Patti Dr. (1900 Pine Island Rd., Merritt Island)

BOA ACTION: Snyder/Young – Approved as depicted on the survey provided by the applicant. Vote was unanimous. 15PZ00044.

James Rosasco swore in the applicant.

Terry Wharton – Terry Wharton, 1900 Pine Island Road, Merritt Island, Florida. We are purchasing the property; we are from the Northeast; we visited Brevard County zoning commission to receive permission to build a structure to enclose our farm equipment. They handed by husband a survey and told him to draw it where he wanted it, and he did, and we built it, and we were also provided this letter dated March 13, 2013, that defines where structure setbacks can go, accessory structure setbacks, barns and stalls. We picked structure setbacks because we thought it was a structure and it said 10 ft. from the side. Apparently, it's an accessory structure which should be 15 ft. from the side. We're here to ask permission to have a variance for 10 ft. instead of 15 ft. We have a letter from our neighbor that says he doesn't care. It's 9 acres and is setback far from the road. I'm not sure anybody except mosquitoes will ever see it. We're asking for the variance so that we can complete the permitting process. At the time we applied we didn't think we needed a permitting process because that's what the zoning board told us.

Wayne Snyder – I visited your property, and I was there on August 9th, at about 6:30 p.m. I was unable to clearly see the structure because it's quite a ways back off the road. I was not able to see the side setback that well. I was not able, also, due to vegetation, to see the west side of your building in question, so I couldn't see whether there was any other structures on the adjoining property near that property line.

Terry Wharton – No, sir, it's vegetation, or woods, as we would call it in the Northeast, between the two properties.

Wayne Snyder – Of course, I did not leave the road, so I couldn't go back there. Do I understand correctly that the frontage width on your property is 275.06 ft.

Terry Wharton – That is correct.

Wayne Snyder – What's the purpose of that building?

Terry Wharton – The structure? The accessory structure?

Wayne Snyder – The structure in question.

Terry Wharton – It's to hold tractors and farm equipment.

Wayne Snyder – I understand that, I'm a farm kid. So, you might be storing farm equipment in there?

Terry Wharton – We will be storing farm equipment in there unless you make us tear it down and then it's going to cost me \$7,000 and it's not going to be any fun.

Paul Body – I have a correction to make. When I read the agenda item, the zoning is not RR-1, it is AU, Agricultural Residential.

Wayne Snyder – Okay, let me make a note of that. When that building was erected, was a permit granted?

Terry Wharton – No, sir, because we went to the zoning board and they said because it's agricultural that we could build whatever farm buildings we wanted without a permit.

Wayne Snyder – And Mr. Body just confirmed that. Are you here for the sole purpose of legitimizing that building on the side setback?

Terry Wharton – Yes, sir.

Wayne Snyder – That's why you're here?

Terry Wharton – The 5 ft. variance only.

Wayne Snyder – I don't have any problem. I saw this as clearly as I could without leaving the public highway and that's my instructions. I have no further questions.

James Rosasco – Please have a seat for a moment. Is there anyone in the audience who would like to speak in favor or opposition to this variance?

Terrence White – Good afternoon, my name is Terrence White, and I reside at 5595 Joseph Court, Merritt Island.

James Rosasco – swore in the speaker.

Terrence White – I was questioning sitting there listening to it, but now I understand it more about that they have already constructed the building. I have property adjacent to their property and my issue was them building the building without the approval. If they truly have 9 acres as they say, which I believe, why they needed to build within 10 ft. of the property line. So, I had a question about that. I mean, if they had not built the building already I would really oppose it, but I don't want to see them have to tear down an existing building since they are agriculture, but I just don't understand with 9 acres why someone needs to build within 10 ft. of the property line.

James Rosasco – Is your property the one immediately to the west?

Terrence White – No, sir, my property is to the east.

Wayne Snyder – Then you are on the opposite side.

Terrence White – Yes, sir.

Wayne Snyder – The building is on the west side of the property.

Terrence White – I understand that, I just don't understand why with 9 acres of land you have to build.

Wayne Snyder – I know where you're coming from, okay, but you are not on the west side of their property, you are on the east side of their property.

Terrence White – You sent me a letter inviting me to come here to this.

Wayne Snyder – You're in order, and we appreciate you coming, sir.

Terrence White – I would be in opposition if they had not already constructed the building. From my point of view, I'm not going to ask someone to tear down an existing structure.

Maggie Castellano – As with the previous case that I testified on, I was brought to the Pine Island residence for two reasons. One was the erection of this approximately 120 square-foot barn, in addition to the increased size on an existing home. There was an existing 1,500 square-foot, 3-story home that the owners did not pull any permits for and increased the size of the home by probably 200 – 300%. I think it's approximately 3,000 square feet at this point. A permit has been obtained for that, but I do have close-up photos of the structure in question. I do not have any on the west side because there's a lot of vegetation there that I could not gain access. Mr. Ridge escorted me around the property, around the home that they were constructing without permits at the time, and the barn.

James Rosasco – As I understand it, what we're dealing with is a variance request on the setback. I don't know anything about the addition.....

Maggie Castellano – There's no permit for that garage.

James Rosasco – I think they probably can't get a permit until they get the variance. I'm not sure what you're talking about with the increase in the residence size.

Maggie Castellano – Our complaint was for both structures, for the home as well as the barn.

James Rosasco – The only thing we're dealing with today is the barn and the setback. I just want to clarify that. Would you like to approach the podium again and rebut?

Terry Wharton – Not really rebut, sir, we didn't realize we needed permits and as soon as we were advised we stopped all work until those were received, and we have received permits for the home. His question about why we would put it 10 ft. and not 15 ft. is because there were other existing barns on the property, so we kind of located it where we wanted it and this letter says 'structure' setbacks are 25 ft. from front and not less than 10 ft. from the side, and 20 ft. from the rear. That is opposed to an accessory structure setback, which is 15 ft. from side and rear, so we thought it was a structure and went with the 10 ft. Had we known that it needed to be 15 ft. we would have certainly built it 15 ft.

James Rosasco – When you first came up didn't you say your husband chose that location?

Terry Wharton – Actually, to be honest with you, we had this discussion and I said 10 ft. was okay because it's a structure, so I have to take responsibility, it was me, and where we come from in the Northeast when you're agricultural, it's not like when you live in a subdivision and you permit everything out. Had we known we would have certainly followed the rules, and we've followed the rules since we found out we weren't following the rules.

Dale Young – Did I read here that this is a pole barn and not an enclosed structure?

Terry Wharton – It was built by Morton Buildings and they call them pole barns. Unfortunately, our pole barn has a floor in it, so that changes everything.

Dale Young – No side walls?

Terry Wharton – It has side walls. It is a building and it is what you call an accessory building. In the Northeast we call them pole barns, but down here you call them something else.

Wayne Snyder – This happens to be in my district, my area that I'm responsible for, and again, I did visit your property and I made that clear. I will move that we grant you the approval, specifically a 5 ft. variance from the required 15 ft. on the west side of the property located at 1900 Pine Island Road, Merritt Island, as shown on the survey from the Nielson Land Surveyors, dated 7/28/14, and it's job No. 14-280-07, and the building is marked 'metal frame barn', and I move that we accept your request.

Dale Young – Second.

James Rosasco called for a vote on the motion as stated, and it passed unanimously.

6. (15PZ00040) – NANCY THOMPSON – requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-2100.5(b) to permit a variance of 166 sq. ft. over the 2,330 sq. ft. permitted for all detached accessory buildings to exceed the total floor area of the principal structure in an RR-1 zoning classification, on 1.02 acres, located on the south side of Winston Dr., approx. 460 ft. west of Dale Ln. (2245 Winston Dr., Cocoa)

BOA ACTION: Hawkins/Snyder – Approved as depicted on the survey provided by the applicant. Vote was unanimous. 15PZ00040.

James Rosasco swore in the applicant.

Nancy Thompson – Nancy Thompson, 2240 Winston Drive, Cocoa. I purchased a really nice home that had two nice buildings, but I'm a car nut and I have nine collector cars and they don't all fit. Hopefully, my house in Titusville sold and I'd like to bring the rest of my cars with me. I have these. Those are some of my cars. I did talk to my neighbors on both sides and they both signed affidavits saying it wouldn't be a problem for me to put another building back there. I don't know what else to say, other than do you want to buy a car?

James Rosasco – Are you headed to Cuba to buy one of those classics?

Nancy Thompson – I'd love to.

James Rosasco – Ms. Hawkins, do you have any questions?

Britta Hawkins – I was the previous homeowner, so therefore, I have a conflict of interest.

James Rosasco – We will ask you not to vote, but we'd like to hear what you have to say.

Christine Lepore – Did you recently sell it, or do you still own it?

Britta Hawkins – No, it's all gone, it's sold.

Christine Lepore – There would not be a conflict.

Britta Hawkins – That's great.

James Rosasco – There will be five of us voting after all.

Britta Hawkins – The structure that you were intending to build, would it be just like the other two metal structures that are currently there?

Nancy Thompson – Not as tall, but it will be the same materials and the same colors.

Britta Hawkins – Okay. It's going to be 166 square feet?

Nancy Thompson – 28 ft. x 30 ft.

Britta Hawkins – You couldn't really put it anywhere else on the property, correct?

Nancy Thompson – No.

Britta Hawkins – There's no setback issue here, so it's really just adding an additional building on your property. I have no further questions.

James Rosasco – Any other members have questions?

Wayne Snyder – First, I want to commend you on a very neat and organized presentation. You did a great job. Secondly, tell me why you didn't make the new structure as deep as the adjoining structures.

Nancy Thompson – Money. It's not the depth I need, it's the width. I can put five cars in a 28 ft. x 30 ft. easier than I can put them in a 24 ft. x 36 ft.

Wayne Snyder – I couldn't see it, but I wanted to clarify that there was no rear encroachment of any kind. I notice that you have two signed and notarized affidavits. I'm wondering whether.....and I address this question to our counselor and Mr. Body. Neither of these affidavits have an address on them. Is that important as far as the effect of the quality of the affidavit?

Christine Lepore – Really, that goes to the weight and credibility of the affidavit. I'm sure the applicant can testify where these affiants live, if you're interested in knowing, if they live in proximity of the property. But really, that just goes to credibility.

Wayne Snyder – It mentions on here Brevard County, but it doesn't give a specific address as to the people signing the affidavits.

Britta Hawkins – I can attest to that because when I lived there those were my neighbors.

Wayne Snyder – Counselor, I just want to make sure you're satisfied with the affidavits, because there was no address.

Christine Lepore – The affidavits are a sworn statement, so they are swearing to the information. For the purposes of whether it's relevant to the request, yes, you'd want to know if they live in proximity of the property, and I think Ms. Hawkins has verified those people as neighbors when she resided. I'm sure Ms. Thompson can tell you and testify where those people live.

Wayne Snyder – Fine, as long as we're attentive to that. I don't have any further questions. Your presentation was great, it was very clear and understandable. I don't have any further questions.

James Rosasco – Is there anyone in the audience in favor or opposition to this variance? Seeing none, come on up and have your final comments.

Nancy Thompson – Anybody want to buy a car?

James Rosasco – I like that little Corvette.

Nancy Thompson – Those are my retirement, and I'm retired.

James Rosasco – What's the pleasure of the board?

Britta Hawkins – I would like to move to approve the accessory building. It is on a little over an acre lot. The neighbors have no problem with it. It does not affect the neighborhood in any way negatively. So, I would move to approve as it is depicted on the survey to put it where it was planned to be.

Wayne Snyder – Second.

James Rosasco called for a vote on the motion as stated, and it passed unanimously.

7. (15PZ00045) – LINDA GERKE – (Steve Roeske) – requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-2100.5(1)(d) to permit a variance of 539 sq. ft. over the 1,111 sq. ft. (50% of the living area of the principal structure) allowed for an accessory structure, in a RU-1-11 zoning classification, on 0.85 acres, located on the east side of New York St., approx. 0.32 mile south of Milwaukee Ave. (2765 New York St., Melbourne)

BOA ACTION: Young/Bovell – Approved as depicted on the survey provided by the applicant. Vote was unanimous. 15PZ00045.

James Rosasco swore in the applicant.

Steve Roeske – I'm Steve Roeske, I'm speaking for Linda Gerke, my fiancé. My address is 2765 New York St., West Melbourne. We're getting married in January and I want to move all my stuff over to her house, and like everybody knows, guys' toys are bigger and need more space, so I want to build a 30 ft. x 55 ft. garage. That would give me room to put a motor home in there, and I have antique cars, so I understand what the other lady is going through. I've got a motorcycle, I've got trailers, there's a three-wheeler, and I've got hunting supplies and other things, so I want to get them all under cover in the garage. So, we wanted to attach it to the back of the house, but when we laid it out we found out that the septic tank was underneath where we wanted to put the garage, so we had to move the garage back 77 ft. behind the house, which would give us 35 ft. between the front of the garage and the drain field, so we won't be running over the drain field. We'd continue the driveway that's already there. I've already got antique cars and motorcycles and everything, and I've also got workout equipment that fills my house up and she doesn't want it all in her house, she wants it to the back. You sent letters out to all the neighbors and they have come by and looked at what we want to do, and nobody has had any objections. One of them asked if we were going to have a car business, but I explained they were just my cars.

Dale Young – I've been out that way and all of your neighbors are on big lots. You're right near I-95?

Steve Roeske – Yes, about 600 ft. from the interstate.

Dale Young – I don't know when they changed the zoning back there, but it all looks like agricultural and most things are an acre or more.

Steve Roeske – Right at an acre, yes.

Dale Young – It used to be the Police Foundation until I-95 went through.

Steve Roeske – It's still considered the National Police Foundation and it's split by I-95.

Dale Young – No other questions.

Britta Hawkins – I don't have any questions.

Wayne Snyder – I did not have the opportunity to visit your property. I did not. I want to let you know that. Under No. 3 on your worksheet you noted several other properties who have large detached buildings. Also, under No. 6 on your worksheet you noted the building you are proposing would go along with the other buildings in your neighborhood. The only thing I can do is look at this, that's the only thing I have. I cannot identify any other buildings that are 30 ft. x 55 ft. on this aerial. Am I missing something?

Steve Roeske – Yes, there is one on Burnell.

George Bovell - I've found that many of the aerials are 7 – 8 years old. This date here is the date it was printed and not necessarily the date the aerial was taken.

Steve Roeske – There's 7 big out buildings for motor homes and bigger on New York Street alone, and there's one that's on Burnell, at 2575, and they connected their house to their carport, so they went way out to the back and they've a bigger building to the back of it, which is twice the size of their house.

Wayne Snyder – I did not visit the neighborhood and I'm sorry. I have to kind of go by this and I don't know whether I have what you have or not, but this is the only thing I have to look at. Is it absolutely necessary to exceed, repeat exceed, the allowable 1,111 square feet in the RU-1-11 zoning? Is that a necessity?

Steve Roeske – To get all my toys in, yes, sir. Plus, she informed me she wants a couple of shelves in the back. By the time you put a motor home, antique cars, motorcycles, and trailers, and then have a work space to do other projects it takes a lot of space, so you don't want things flying into a car that you've put \$20,000 into a paint job and body refinish.

Wayne Snyder – I can understand that you don't want to get involved in the drain field or septic tank. I completely understand that. I'm trying to rationalize the situation.

Steve Roeske – I wanted to put it closer to the house, but I was talking to a builder and he said I want to be at least 35 ft. so you can back a car out of the garage and go out without running over the drain field.

Wayne Snyder – Once this gets approved then you will be removing the smaller shed?

Steve Roeske – Yes. It's already falling down. It's been there roughly 22 years and it's falling down, so I want get the lawn mowers and three-wheeler and an outboard motor and everything else that's in there and get it into the garage and then tear it down and grade it flat.

Wayne Snyder – You have no other purpose in mind for that building other than storage?

Steve Roeske – Storage of my own vehicles and other stuff.

Wayne Snyder – So, we're talking about storage.

Steve Roeske – A workshop, yes.

Wayne Snyder – Storage or workshop. I have no further questions.

James Rosasco – I'm very familiar with the neighborhood and I'm out there frequently, and as he stated, it's not unusual to have these structures in the backyard for equipment. Is there anyone in the audience who would like to speak in favor or opposition? Seeing none, you can come back up and have your final comment.

Steve Roeske – I'd really appreciate the opportunity to keep all my stuff under cover. It's going to take roughly that space to accommodate my toys.

James Rosasco – Sounds good. What's the pleasure of the board?

Dale Young – I move to approve the variance as submitted.

George Bovell – I second.

Upon consensus, the meeting was adjourned at 3:10 p.m.