

VARIANCE INFORMATION WORKSHEET

1. OWNER(S): Allen B. Angy + Barbara C. Angy Family Trust
APPLICANT(s): Allen B. Angy

2. LEGAL DESCRIPTION:

Township: 26 Range: 37 Section: 26 Subdivision: 26 Block: 5 Lot: 7

Tax Account #: 2608503 Acreage: 0.24 District: 4

3. PRESENT ZONING: RU-1-11

CONDITIONAL OR SPECIAL USE PERMIT(S) ON PROPERTY: _____

None

VARIANCES ON PROPERTY: _____

None

4. VARIANCE(S) REQUESTED

1. 4 feet from the west 7.5 feet setback for a principal structure per section 62-1340(s)(a).
2. 15.3 feet from the 20 feet side street setback required for a swimming pool per section 62-2123(a).

3. _____

4. _____

5. ADDITIONAL INFORMATION:

Replacement Carport Building Permit
25 BC 00250,

6. STAFF MEMBER COMPLETING FORM:

Paul Body

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

Yes. If Yes, indicate case number _____, and

name of contractor _____

No.

Prerequisites to granting of variance:

A variance may be granted when it will not be contrary to the public interest 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 reasonable return under the existing land development regulations. You have the right to consult a private attorney for assistance.

In order to authorize any variance from the terms of this chapter, the Board of Adjustment shall find all of the following factors to exist:

- (1) That special conditions and circumstances exist which are not applicable to other lands, structures or buildings in the applicable zoning classification:

See Attachment B.

- (2) That the special conditions and circumstances do not result from the actions of the applicant:

See Attachment B.

- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this chapter to other lands, buildings or structures in the identical zoning classification:

See Attachment B.

(4) That literal enforcement of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the identical zoning classification under the provisions of this chapter and will constitute unnecessary and undue hardship on the applicant:

See Attachment B.

(5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure:

See Attachment B.

(6) That the granting of the variance will be in harmony with the general intent and purpose of this chapter and that such use variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

See Attachment B.

I understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by the below-signed zoning representative. I am fully aware that it is my responsibility to prove complete compliance with the aforementioned criteria.

Signature of applicant Allen B. Bogy

Signature of planner Paul Body

VARIANCE HARDSHIP WORKSHEET – Attachment B

Attachment B is provided by Property Owner, Allen B. Angy in response to the Prerequisites to granting of variance, and is intended to provide the Property Owners answers to the six (6) factors the Board of Adjustments shall find to exist:

(1) That special conditions and circumstances exist which are not applicable to other lands, Structures or buildings in the applicable zoning classification:

Without the requested variances, the Property Owner who is the original 1957 occupant of the 400 First Avenue, Satellite Beach, Florida property will be denied reasonable and continued use of that property as it has existed/evolved for over sixty to seventy years, and through no fault other than the direct result of the unforeseen and unexpected damage to the property caused by Hurricane Milton on 10 October 2024.

That damage, necessitated the need for the Property Owner to request the replacement of the original aluminum carport roof constructed in the early 1970's (some fifty plus (50+) years prior). Half of the carport roof was torn off during the hurricane, and the other half remains dangling to this date. This creates an ongoing threat to not only the property, but to potentially surrounding properties as well. If the situation is not rectified in a timely manner, the exposed wood where the aluminum roof was attached to the existing garage roof will continue to be at risk of rot and insect infestation. The remainder of the carport roof left dangling, could potentially cause more damage to the property itself, (to include the newly installed May 2024 roof), and to surrounding properties should strong winds cause the residual damage to become a projectile.

The setback variance for the carport area is requested to address the discrepancy identified 50+ years after its approved and permitted construction. The variance will enable the contractor to obtain the necessary permit for the replacement of the damaged aluminum roof, and three downspouts, required to restore the structure to its intended purpose and usefulness.

The setback variance for the pool area which was constructed in the late 1960's is intended to address the discrepancy noted when the contractor hired by the Property Owner submitted their 2024 building permit request for the carport roof replacement. The variance will enable the continued use of the pool as intended.

(2) That the special conditions and circumstances do not result from the actions of the applicant.

The requested variances are to enable necessary repairs to the property and to allow for its continued use as it existed/evolved for over sixty to seventy years, and which conditions and circumstances changed through no actions or fault of the applicant. The

need exists only as direct result of the unforeseen and unexpected damage to the property caused by Hurricane Milton on 10 October 2024.

(3) That granting the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this chapter to other lands, buildings, or structures in the identical zoning classification:

The Property Owner attests that neither of the setback issues mentioned as it relates to the location of the carport, or the swimming pool, fence or surrounding area has ever been a subject of interest, or concern, to the surrounding neighbors. This includes: the original neighbor located at 109 Exeter Street property, which is immediately to the left of the carport, who also purchased their home in the 1950's, and resided on that property until the mid-1990's; or the current resident of that property who has occupied the home since approximately 2013. No occupants of that property, or any others nearby, have ever expressed any verbal or written, interest or concern regarding the carport, its location, or proximity to the adjoining property.

Likewise, the third-generation homeowners located at 100 E Dover Street, the property that abuts to the back of the 400 First Avenue property and with a view of the pool, or any other home owners nearby, have expressed any verbal or written, interest, concern or challenge as to the pool's location, or proximity to their adjoining property.

(4) That literal enforcement of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the identical zoning classification under the provisions of this chapter and will constitute unnecessary and undue hardship on the applicant:

The Property Owner requests consideration of his request for variance hardship based on the above and following special conditions.

The Property Owner, a 97-year-old, World War II veteran has lived in the property since 1957. The property has been well maintained and in use for over sixty-five (65) years.

The Property Owner contends that he continues to incur significant financial hardship as a direct result of the need for the variances. He still has to pay thousands of dollars out of pocket costs for the actual replacement of the aluminum roof, the cost of which increased due to tariffs that are now in affect due to the delay in obtaining the required permit submitted in 2024, as well as, the added burden of the (\$500) cost to obtain a new certified survey of the property, and another \$25 for that same survey required to be electronically sealed and signed for the variance application, and without a clear understanding of what additional unknown and unexpected costs he may still have to incur, all merely due to his request for approval to repair the damage to his original

aluminum carport roof caused by Hurricane Milton, and to enable both the carport and the pools to continue to be used as intended.

The Property Owner has concerns regarding the impact on the actual value of the property, as well as to any future option to sell the property without the variances.

(5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure:

The Property Owner contends, this request for the carport and pool variances are intended to enable the contractor to obtain the necessary permit required to replace (not modify, extend or alter in any way, shape or form) the damaged carport roof, to allow for its continued purposeful use. The pool variance is included as it was addressed as a application deficiency preventing the permit to be approved.

(6) That the granting of the variance will be in harmony with the general intent and purpose of this chapter and that such use variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

The Property Owner states his intent it only to restore the property to its original useful condition.

The Property Owner contends both the original carport (built in the 1970's) and the swimming pool (built in the late 1960's) structures which require the variances were constructed under approved Brevard County building permits. However, Brevard County states due to the 50-to-60-year time lapse since their construction, the county no longer has access to those records, necessitating the need for the new certified survey and the application for variances.

The Property Owner contends the setback identified deficiencies where never previously known, nor, where they ever challenged by anyone (neighbors or contractor alike), until now.

I understand that all of the above conditions apply to the consideration or a variance and that each of these conditions have been discussed with me by the below-signed zoning representative. I am fully aware that is it my responsibility to prove complete compliance with the aforementioned criteria.

Signature of applicant Allen B. Angy