



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Board of Adjustment Members

FROM: Paul Body, Senior Planner

Thru: Trina Gilliam, Planning & Zoning Manager

SUBJECT: Variance Staff Comments for Wednesday, August 19, 2026

DATE: July 21, 2026

DISTRICT 1

(26V00041) Cypress MHP LLC (Kim Rezanka) requests eleven variances of Chapter 62, Article VI, Brevard County Code as follows; 1.) Section 62-1404(4) to allow 1 acre from the 10 acres required for a mobile home park; 2.) Section 62-1404(5) to allow 14 ft. from the required 40 ft. minimum site size; 3.) Section 62-1404(5) to allow 1,556 sq. ft. from the required 4,000 sq. ft. minimum site size; 4.) Section 62-1404(6)(a) to allow 15 ft. from the required 15 ft. perimeter setback; 5.) Section 62-1404(6)(b) to allow 11.7 ft. from the required 15 ft. setback from pavement edge of internal drives; 6.) Section 62-1404(7) to allow 5.9 ft. from the required 10 ft. separation distance between structures; 7.) Section 62-1404(10) to allow a 100% variance to paved off-street parking spaces for each lot; 8.) Section 62-1404(11) to allow a 100% variance to concrete patio required at the entrance of each mobile home; 9.) Section 62-1404(12) to allow a 50% variance to total recreation area required; 10.) Section 62-1404(12) to allow water area to be utilized as open space accounting for 10% of the site area (50% of site's open space requirement); and 11.) Section 62-1102 to allow 2.5 ft. from the required 7.5 ft. distance noted as a structure's space envelope (defined as an area lying within 7.5 ft. of any exterior wall of a structure) in a TR-1 (Single-Family Mobile Home) and TR-3 (Mobile Home Park) zoning classification. This request represents the applicant's request to Legitimize an existing Non-Conforming mobile home park in order to rezone the vacant abutting parcel to the north from TR-1, Single-Family Mobile Home zoning classification to TR-3, Mobile Home Park zoning classification and combined the two parcels together as one Mobile Home Park. The applicant states, the current mobile home park is Non-Conforming by design, and they wish to produce and preserve affordable homeownership and multifamily housing to benefit very low, low and moderate income residents of Brevard County. The first request equates to a 10% deviation of what the code allows. The second request equates to a 35% deviation of what the code allows. The third request equates to a 39% deviation of what the code allows. The fourth request equates to a 100% deviation of what the code allows. The fifth request equates to a 78% deviation of what the code allows. The sixth request equates to a 59% deviation of what the code allows. The seventh request equates to a 100% deviation of what the code allows. The eighth request equates to a 100% deviation of what the code allows. The ninth request equates to a 50% deviation of what the code allows. The tenth request equates to a 50% deviation of what the code allows. The eleventh request equates to a 33% deviation of what the code allows.

There are no variances approved to the eleven variances requested in the immediate area. There is no code enforcement action pending with the Brevard County Planning & Development Department. If the Board approves this variance, it may want to limit its approval as depicted on the survey submitted with a revision date of 7/01/2026 and the site plan submitted with a date of 05/20/2026.

Is the request due to a Code Enforcement action? **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:

Applicant response: The two Properties are located at 3305 Frankie LN, Cocoa, Florida 32926. The exiting mobile home park is parcel ID 24-35-27-00-750.3, and the vacant parcel directly north is parcel ID 24-35-27-00-750.2; both have access by easement from Friday Road. The existing mobile home community was built in 1965 and is nonconforming to County Code. The current mobile home community is on 9 acres, which is less than the 10 acres now required by code. Combining the north parcel will bring total acreage to 14.6 acres. In doing so, the variances the Applicant seeks are to Sec. 62-1404.

The special circumstances justifying the requested variances are to allow expansion of the existing is the configuration of both lots, the existence of a 9-acre mobile home community, the easement access, and the need to expand affordable housing options for Brevard County residents.

The County Comprehensive Plan, Chapter V, Housing provides, as its one and only GOAL: "To produce and preserve affordable homeownership and multifamily housing to benefit very low, low and moderate income residents of Brevard County." Following that GOAL is Objective 1, "Brevard County should act within its authority to substantially increase the supply of affordable housing through implementation of programs that meet the needs of eligible households." The County Code recognizes the importance of Affordable Housing in County Code, Art. XVII. Affordable and Workforce Housing Incentives, Sec. 62-6300, "the purpose of this article is to provide for and maintain a variety of housing opportunities for present and future residents of the county."

Affordable Housing as contemplated by Chapter 2027-17, Laws of Florida, codified in F. S. 125.01055, is "one major goal at all levels of government to ensure that citizens have access to affordable housing. See Florida Senate Bill Analysis and Fiscal Impact Statement, February 24, 2023, CS/SB 102. Because of F. S. 125.01055(1) (2025), a county may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing.

Staff response: The current mobile home park is Non-Conforming to Design of the TR-3 zoning code. After Rezoning and combining the abutting north parcel with the existing Mobile Home Park, the north parcel appears it could be developed to meet the TR-3 zoning codes.

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

Applicant response: The current mobile home community was built pursuant to 1965 requirements and was purchased by the Applicant in 2021; the Applicant did not create the two parcels or the easement. The vacant parcel also contains wetlands that cannot be mitigated and which place development challenges and constraints on that parcel. Utilization of the vacant parcel for expansion of the existing mobile home community is the best use of the vacant parcel and allows the existing mobile home community to be code compliant as to size.

Staff response: The current mobile home park is Non-Conforming to Design of the TR-3 zoning code. After Rezoning and combining the abutting north parcel with the existing Mobile Home Park, the north parcel appears it could be developed to meet the TR-3 zoning codes.

(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:

Applicant response: The approval of this request will not grant any special privilege to the Applicant as this will allow for all other, and future, mobile home sites on the properties to be conforming. These variances will allow the Applicant to fully utilize its properties and to create additional recreational area for the existing mobile home community.

Staff response: After Rezoning and combining the abutting north parcel with the existing Mobile Home Park, the north parcel appears it could be developed to meet the TR-3 zoning codes.

(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:

Applicant response: The literal enforcement of the Code would not allow any modifications or improvements to the existing mobile home community, or the expansion to the vacant lot as it is not large enough to be its own MHP. As to the variances requested for the expansion parcel, this will allow the new sites to be accessible to low income residents that need affordable housing.

Staff response: The variances requested to legitimize the existing Non-Conforming Mobile Home Park might allow for the expansion of the park. After Rezoning and combining the abutting north parcel with the existing Mobile Home Park, the north parcel appears it could be developed to meet the TR-3 zoning codes.

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

Applicant response: The Applicant is seeking the minimum variances needed to correct the nonconforming status of the 1965 existing mobile home community, and to allow for additional affordable housing on the expansion parcel.

Staff response: The variances requested are the minimum variances needed to legitimize the existing Non-Conforming Mobile Home Park. After Rezoning and combining the abutting north parcel with the existing Mobile Home Park, the north parcel appears it could be developed to meet the TR-3 zoning codes.

(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:

Applicant response: The granting of these variances will allow the Applicant to cure the nonconforming status of the existing mobile home community and to expand it. The addition of the north parcel, to be rezoned to TR-3, would bring the acreage requirement for mobile home community to Code and would allow for more affordable housing in the area. These variances will not be detrimental to the public welfare as they will allow development of a vacant parcel with environmental and accessibility challenges and will meet the County and State's goals of more affordable housing for its workforce.

Staff response: The existing Mobile Home Park has existed since 1965 and currently does not have any Code Enforcement actions.