



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, July 15, 2026  
DATE: June 24, 2026

### DISTRICT 4

**(26V00019) Target Corporation** (Katie Fitzjarrald) requests five variances of Chapter 62, Article IX, Brevard County Code as follows; 1.) Section 62-3316(b)(4) to allow a proposed sign 4.5 ft. from the required 15 ft. setback to the (north) property line; 2.) Section 62-3316(b)(4) to allow a proposed sign 7.84 ft. over the maximum allowed 4 ft. height limitation; 3.) Section 62-3316(h)(1)a to allow a proposed sign 3.8 sq. ft. over the maximum allowed 250 sq. ft. sign surface area for one freestanding sign; 4.) Section 62-3316(a) to allow 1,321.39 sq. ft. over the maximum allowed cumulative sign surface area (1,015.66 sq. ft.) on the property; and 5.) Section 62-3316(c)(2) to allow 1,502.3 sq. ft. over the maximum allowed aggregate sign surface area (507.83 sq. ft.) for all wall signs on the existing principal structure in a TU-2 (Transient Tourist Commercial) zoning classification. This request represents the applicant's request to permit a new freestanding monument sign and replace the existing wall signs with proposed new wall signs. The first request equates to a 30% deviation to what the code allows. The second request equates to a 51% deviation to what the code allows. The third request equates to a 2% deviation to what the code allows. The fourth request equates to a 130% deviation to what the code allows. The fifth request equates to a 296% deviation to what the code allows. There are no variances approved to sign height and sign size requirements in the immediate area. There is no code enforcement action pending with the Brevard County Planning & Development Department. If the Board approves the variances, it may want to limit its approval as depicted on the sign plans with a date of 11/17/2025 and survey provided by the applicant with a date of 2/19/2026.

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: Compared to other major retailers and/or smaller retailers within the same zoning classification the Target has a few key factors that set it apart from others such as; size of structure, abutting a major highway and main arterial for Viera.

**Staff response: Other retailers must meet the same zoning code for their signs.**

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

Applicant response: Requested variance is not a self-imposed condition or action per the applicant, yet a request to better serve the community.

**Staff response: All retailers must meet the same zoning code for their signs.**

(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: Granting of said variance shall not grant any special privileges but instead escalate safety and traffic flow coordination internally to the site.

**Staff response: The requested proposed signs could improve the site and location of the retailer.**

(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: Literal enforcement of the provisions of this chapter would deprive the applicant of use of signage to direct traffic flow and pedestrian flow on site to keep a consistent and organized growth for retail sales.

**Staff response: All retailers must meet the same zoning code for their signs. Literal enforcement of the provisions of this chapter would not deprive the applicant of rights commonly enjoyed by other properties in the identical zoning classification.**

(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 requested variance is the minimum variance for this site. To compare, similar size sister stores normally maintain 900-1100 sf in signage.

**Staff response: The requested variances are the minimum required for this request.**

(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: Said variance will be in harmony with the general intent and purpose of this chapter. Requested layout and square footage was proposed with the intent to clean up the face of the building from the original signage that was actually larger than the current proposed more descriptive and directive signage.

**Staff response: Granting of the proposed sign variances should be in harmony with the general intent of this chapter and should not be injurious to the area involved or detrimental to the public welfare.**