



Planning and Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

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, March 18, 2026
DATE: March 2, 2026

DISTRICT 1

(26V00007) T&M United Corporation (Anthony Ekene Ojukwu) requests a variance of Chapter 62, Article IX, Brevard County Code as follows; 1.) Section 62-3316(B)(5) to allow 42 ft. over the 20 ft. height maximum for a freestanding sign in a BU-1 (General Retail Commercial) zoning classification. This request represents the applicant's request to legitimize an existing freestanding sign to redevelop the parcel. The applicant states the sign has been in the existing configuration for over 25 years. The applicant also states that the sign was in this configuration when they purchased the parcel on August 12, 2013. This request equates to a 210% deviation to what the code allows. 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 and provided by the applicant with a date of 06/05/2025.

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 sign in question is existing.

Staff response: **The sign has been in its existing configuration for over 25 years.**

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

Applicant response: The sign in question is existing and not a result of the actions of the applicant.

Staff response: **The existing sign was in this configuration when the applicant purchased the parcel on August 12, 2013.**

(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 sign in question is existing and will not confer on the applicant any special privileges.

Staff response: **The sign has been in its existing configuration for over 25 years and has no code enforcement actions.**

(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: N/A.

Staff response: **The existing sign could be reconfigured to meet the sign code requirements.**

(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 sign in question is existing and the variance will make possible the reasonable use of the land, building and structure.

Staff response: **The sign has been in its existing configuration for over 25 years and could be reconfigured to meet the sign code requirements.**

(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 sign in question is existing and the granting of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved.

Staff response: **The sign has been in its existing configuration for over 25 years and has no code enforcement actions.**