



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, June 17, 2026
DATE: May 29, 2026

DISTRICT 1

(26V00034) Michael A. and Heather M. Shannon request two variances of Chapter 62, Article VI, Brevard County Code as follows; 1.) Section 62-2100.5(1)(d) to allow 712 sq. ft. over the maximum 1,094 sq. ft. allotted (50% of living area of existing house) for a detached accessory structure; and 2.) Section 62-2100.5(1)(b) to allow the total floor area of all existing detached accessory structures to exceed the floor area (2,684 sq. ft.) of the principal structure by 215 sq. ft. in an RR-1 (Rural Residential) zoning classification. This request represents the applicants' request to legitimize an 1,806 sq. ft. accessory building and legitimize the total sq. ft. of all the accessory structures on the parcel. The applicants state that the accessory structures were built by a previous owner and were in this location and configuration when they purchased the property on March 26, 2026. The first request equates to a 65% deviation of what the code allows. The second request equates to an 8% deviation of what the code allows. There are no variances approved to accessory size requirements in the immediate area. There is no code enforcement action (24CT-00001) 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 with a revision date of 3/29/2026.

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

If Yes, indicate case number **23CT-00001**, and

Name of contractor **Not stated**

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: Our family was excited when we purchased this home, which includes a pre-existing building and layout the created unique conditions not common to other properties. These existing conditions do not meet the size limitations regulations and create a hardship without the requested variance.

Staff response: The applicants state that the accessory structures were built by a previous owner and were in this location and configuration when they purchased the property on March 26, 2026.

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

Applicant response: These conditions are not the result of our family's actions. The preexisting building and its placement existed before we purchased the home.

Staff response: The applicants state that the accessory structures were built by a previous owner and were in this location and configuration when they purchased the property on March 26, 2026.

(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 this variance will not give our family any special privilege. It will simply allow us a reasonable use of our property, similar to other properties with pre-existing structures

Staff response: The accessory structures were built by a previous owner and were in this location and configuration when they purchased the property on March 26, 2026.

(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: Strict enforcement would create an unnecessary hardship for our family by preventing reasonable use of our property. It would deprive us of using our property and would cause a financial burden on our family.

Staff response: The accessory structure would need to be modified and reduced in size to meet the accessory size 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 requested variance is the minimum needed to allow our family a reasonable use of the property while working within the limitations of the pre-existing structure.

Staff response: The variances requested are the minimum variance required.

(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: Granting the variance will be in harmony with the neighborhood and will not negatively impact the area. It will allow our family to enjoy our home while maintaining the character and public welfare of the community.

Staff response: The accessory structures were in this location and configuration when they purchased the property on March 26, 2026.