



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, June 18, 2025

DATE: May 19, 2025

DISTRICT 4

(25V00019) Kenny and Evelyn Hernandez request 3 variances of Chapter 62, Article VI, Brevard County Code as follows; 1.) Section 62-2123 (a) to allow 10 ft. from the required 20 ft. setback for a pool screen enclosure; 2.) Section 62-2123 (a) to allow 14 ft. from the required 25 ft. setback for a pool; and 3.) Section 62-1340 (5)(b) to allow 5 ft. from the required 5 ft. separation distance for an accessory structure in an RU-1-13 (Single-Family Residential) zoning classification. This request represents the applicants' request to construct a pool and pergola on their corner lot. The applicants state that they were unaware of the additional setbacks required for their corner lot until the building permit, 24BC22528, was reviewed by Zoning staff. The first request equates to a 50% deviation to what the code allows. The second request equates to a 52% deviation to what the code allows. The third request equates to a 100% deviation to what the code allows. There are no variances approved for pool and accessory structure setbacks in the immediate area. There are no code enforcement action(s) pending with the Brevard County Planning and Development Department. If the Board approves the variance, it may want to limit its approval as depicted on the survey provided by the applicant with a signed date of 04/24/2025.