



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 02, 2026

DISTRICT 2

(26V00010) Jay Sriambe LLC (Bruce A. Moia) requests a variance of Chapter 62, Article VI, Brevard County Code as follows; 1.) Section 62-1373(4)(a) to allow 10 ft. from the required 100 ft. lot width for multifamily structures in an RU-2-30 (High-Density Multi-Family Residential) zoning classification. This request represents the applicant's request to legitimize the lot width requirement of an existing parcel. The applicant states the parcel was rezoned from BU-1 (General Retail Commercial) and BU-2 (Retail, warehousing and wholesale commercial) to RU-2-30 (High-density multiple-family residential) per rezoning application 24Z00066 on April 3, 2025. The applicant also states the parcel has been in this configuration since the parcel was developed as a hotel in 1973 and previous BU-1 & BU-2 zonings requires a parcel to be a minimum 75 feet wide. The applicant is requesting the variance to comply with the 100 feet lot width for the new RU-2-30 zoning requirement to renovate the site for affordable housing. This request equates to a 10% deviation to what the code allows. There is no variance approved to the lot wide requirements 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 and provided by the applicant with a date of 9/01/2025.

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 property is unique in that it has a narrow frontage on SR 520 for such a large parcel. The property was developed in 1973 as a hotel. The owners are willing to sell it to the applicant; however, the applicant proposes to re-develop it into multi-family apartments. To do this, the property had to be rezoned. The property was approved by the BOCC to be rezoned to RU-2-30 from BU-1 /BU-2. However, during the rezoning process, it was not noticed that this created the non-conformity in regards to "lot width". This is because the frontage is only a driveway for the first 193', before it increases in width to over 700'.

Staff response: **The parcel has been in this configuration since the parcel was developed as a hotel in 1973. The previous BU1/BU-2 zoning required a minimum 75 feet lot width. The applicant is requesting the variance to comply with the 100 feet lot width for the new RU-2-30 zoning requirement to renovate the site.**

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

Applicant response: The circumstance was only created by the rezoning of the property to RU-2-30. The owner, nor the applicant had any knowledge that this non-conforming issue resulted from the rezoning process.

Staff response: **The previous BU-1 & BU-2 zonings requires a parcel to be a minimum 75 feet wide. Rezoning the parcel to RU-2-30 requires 100 feet lot width for multifamily structures.**

(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: No special privilege is being conferred. The property has frontage on SR 520, Burnwood Dr. and a County owned and maintained alleyway ROW. The total lot frontage is over 790 feet, and the width of the lot body is over 700', so it is only the shape of the property along SR 520 that is non-conforming.

Staff response: **The previous BU-1 & BU-2 zonings requires a parcel to be a minimum 75 feet wide. Rezoning the parcel to RU-2-30 requires 100 feet lot width for multifamily structures.**

(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 provision would deprive the applicant of the opportunity to re-develop this property from a blighted, old, and run-down hotel to a completely restored and renovated beautiful residential living area for the residents of Brevard County, not to mention a more attractive neighbor to the surrounding properties.

Staff response: **The previous BU-1 & BU-2 zonings requires a parcel to be a minimum 75 feet wide. Rezoning the parcel to RU-2-30 requires 100 feet lot width for the multifamily structures to be restored and renovated.**

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

Applicant response: Yes, only the minimum variance of 10' is being requested.

Staff response: **The RU-2-30 zoning classification requires 100 feet minimum lot width for multifamily structures.**

(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 of this variance will only improve the overall area, making it more in harmony and in general intent of the public welfare.

Staff response: **RU-2-30 zoning classification requires 100 feet lot width for the multifamily structures to be restored and renovated. The Merritt Island Redevelopment Agency approved the proposed variance unanimously.**