



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, November 19, 2025

DATE: October 21, 2025

DISTRICT 5

(25V00064) Laughing Clown, LLC (Clayton Bennett) requests two variances of Chapter 62, Article VI, Brevard County Code as follows; 1.) Section 62-1481(5)(a)(3)(a) to allow 2.8 ft. from the required 15 ft. side (south) setback for a principal structure in a proposed BU-1-A (Restricted Neighborhood Retail Commercial) zoning classification; and 2.) Section 62-1481(5)(a)(3)(a) to allow 4.5 ft. from the required 15 ft. side (north) setback for an accessory structure in a proposed BU-1-A (Restricted Neighborhood Retail Commercial) zoning classification; the parcel is currently zoned RP (Residential-Professional) zoning classification. This request represents the applicant's request to legitimize an existing principal structure and an existing accessory structure to rezoning the parcel to BU-1-A (Restricted Neighborhood Retail Commercial) in order to change the use of property's principal structure from a Dr. office to retail sales building. The applicant states that the existing structures were built by a previous owner and were in this location when he purchased the property. The first request equates to an 19% deviation of what the code allows. The second request equates to a 30% deviation of what the code allows. There are no variances approved to setback 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 6/30/2025.