



Board of Adjustment
Brevard County Government Center
2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida
Agenda
Wednesday, April 19, 2023

Call To Order - 1:30 PM

Approval of Minutes - February 15, 2023

H. Public Hearings

- H.1.** Paula L. Herron and Claudia Volland request a variance for a principal structure in a BU-1-A zoning classification, currently zoned RU-1-11. (22V00021) (Tax Account 2426731) (District 2)
- H.2.** IR Tiki 2, LLC (Steve Monroe) requests variances for a breezeway corridor and a structure in a BU-1 zoning classification. (22V00052) (Tax Account 2611662) (District 4)
- H.3.** Catherine S. Baldwin requests three variances to lot size in an RU-1-11 zoning classification. (23V00004) (Tax Account 2514632) (District 2)
- H.4.** Clearlake Commercial Center, Inc. (Jennifer Altreche) requests two variances for a structure in a BU-2 zoning classification. (23V00007) (Tax Account 2424131) (District 2)
- H.5.** Lynn A. Hartman and Carl K. Hartman (Anna Long) requests two variances for an accessory structure in an RU-2-4 zoning classification. (23V00008) (Tax Account 3008507) (District 3)
- H.6.** Jeremy Cox-Stone and Amber Comrie request a variance for an accessory structure in an RR-1 zoning classification. (23V00009) (Tax Account 2702772) (District 5)
- H.7.** Withdrawal of Variance No. 1 of 23V00003, Anthony V. and Kathleen DiLella heard by the Board on February 15, 2023. (Tax Account 2519528) (District 2)
- H.8.** Anthony V. and Kathleen E. DiLella (Carter Hayes) requests two variance for a boat dock in an RU-1-13 zoning classification. (23V00010) (Tax Account 2519528) (District 2)

Public Comment

Adjournment

Pursuant to the Florida Rules of Appellate Procedure, any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may, within thirty (30) days after the date the order is signed, apply to a court of competent jurisdiction for appropriate relief. Speakers must provide their names and addresses for the public record.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify the Planning and Development Department no later than 48 hours prior to the meeting at (321) 633-2069.

Assisted listening system receivers are available for the hearing impaired and can be obtained from SCGTV staff at the meeting. We respectfully request that ALL ELECTRONIC ITEMS and CELL PHONES REMAIN OFF while the Board is in session. Thank You.

This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Spectrum Cable Channel 499, Comcast (North Brevard) Cable Channel 51, and Comcast (South Brevard) Cable Channel 13 and AT&T U-verse Channel 99. SCGTV will also replay this meeting during the coming month on its 24-hour video server nights, weekends, and holidays. Check the SCGTV website for daily program updates at <http://www.brevardfl.gov>. The Agenda may be viewed at: <http://www.brevardfl.gov/Board Meetings>.



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

4/19/2023

Subject:

Paula L. Herron and Claudia Volland request a variance for a principal structure in a BU-1-A zoning classification, currently zoned RU-1-11. (22V00021) (Tax Account 2426731) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of Adjustment conduct a public hearing to consider a variance for a principal structure in a BU-1-A (Restricted Neighborhood Commercial) zoning classification, currently zoned RU-1-11 (Single-Family Residential).

Summary Explanation and Background:

Paula L. Herron and Claudia Volland request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1481(5)(a)(1), to permit a variance of 36.78 ft. from the required 50-ft. front setback for a principal structure in a BU-1-A zoning classification, currently zoned RU-1-11. The property is 0.34 acres, located on the south side of E. Merritt Ave., approx. 230 ft. west of N. Plumosa St. (375 E. Merritt Ave., Merritt Island)

Clerk to the Board Instructions:



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

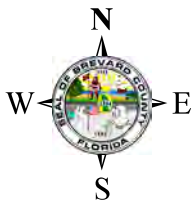
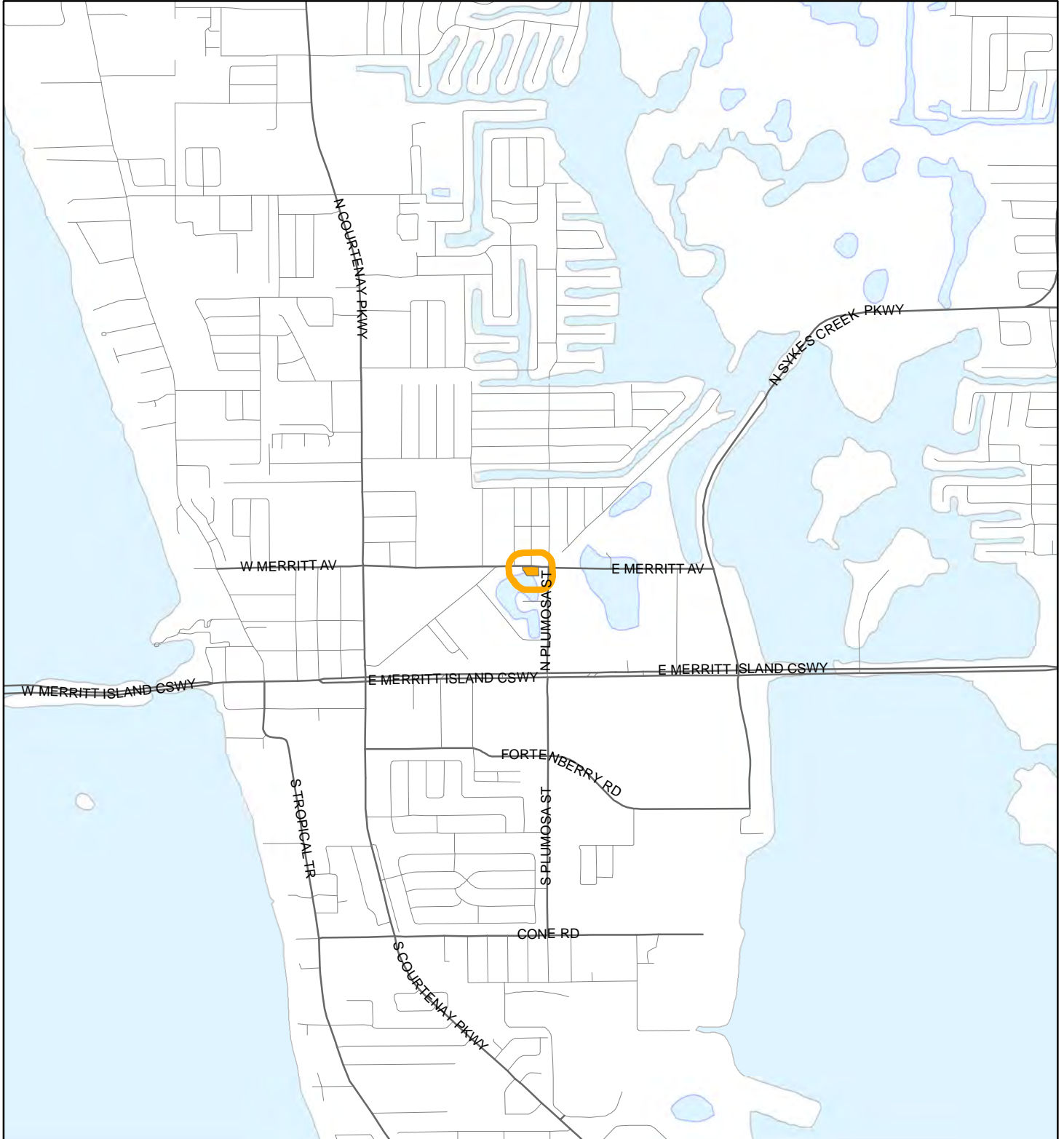
TO: Board of Adjustment Members
FROM: Paul Body, Planner III
Thru: Jeffrey Ball, AICP, Planning & Zoning Manager
SUBJECT: Variance Staff Comments for Wednesday, April 19, 2023
DATE: April 05, 2023

DISTRICT 2

1. (22V00021) Paula L. Herron and Claudia Volland request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1481(5)(a)(1), to permit a variance of 36.78 ft. from the required 50-ft. front setback for a principal structure in a BU-1-A (Restricted Neighborhood Commercial) zoning classification, the property is currently zoned RU-1-11 (Single-Family Residential). This request represents the applicants' request to legitimize an existing single-family residence to rezone the parcel to BU-1-A, the parcel is currently zoned RU-1-11. The applicants state the parcel was subdivided into its current configuration in 1965 by a previous owner. The applicant also states that additional Right-of-Way for E. Merritt Avenue has been taken from the parcel. This request equates to an 74% deviation of what the code allows. There are no variances to the principal structure setback requirements in the immediate area. There is no code enforcement action pending with the Brevard County Planning and Development Department. If the Board approves this variance, it may want to limit its approval as depicted on the survey provided by the applicant with a date of 9/29/2021.

LOCATION MAP

HERRON, PAULA & VOLLAND, CLAUDIA
22V00021





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 200 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

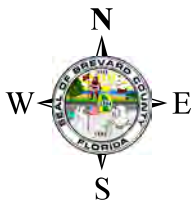
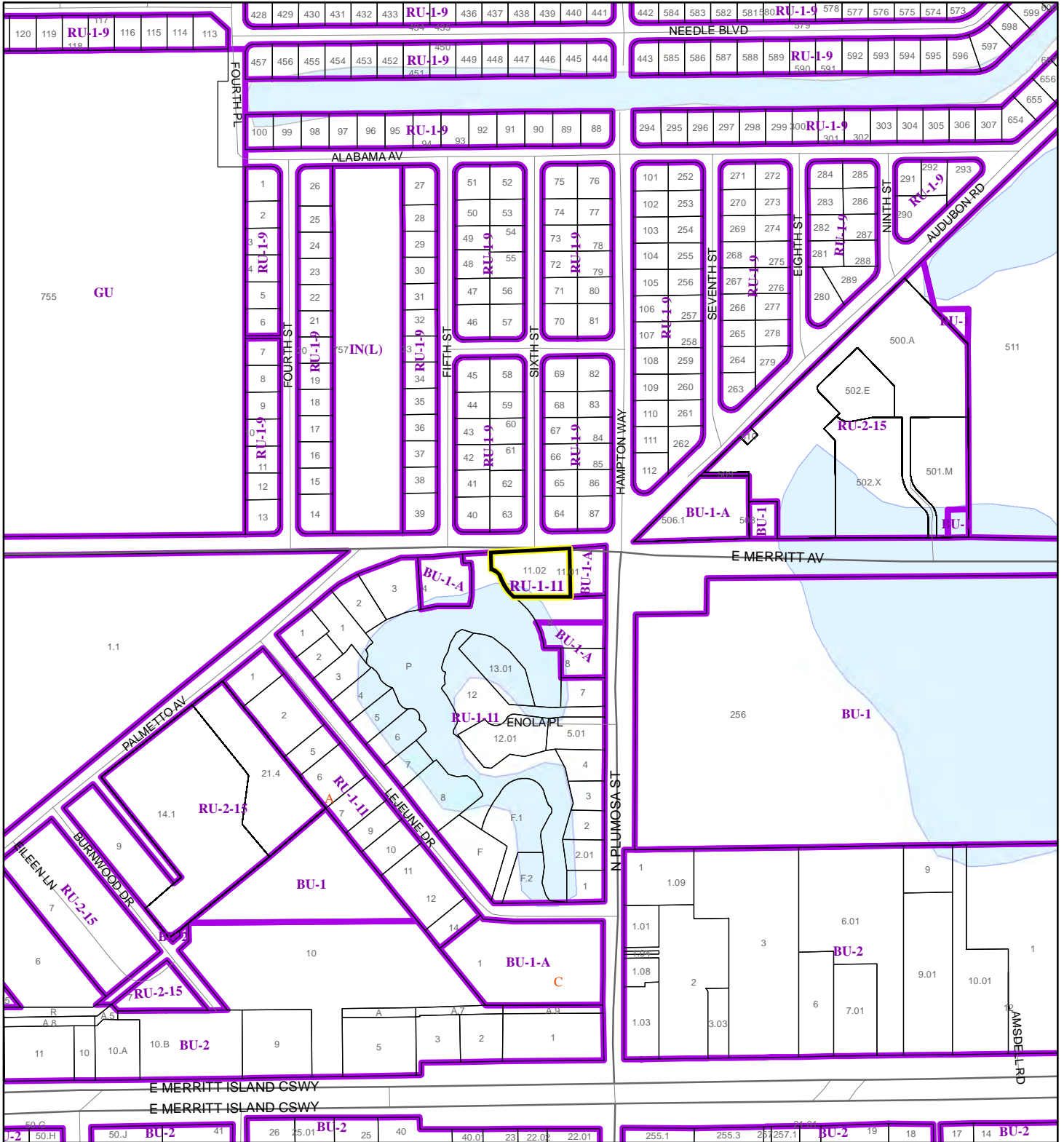
Produced by BoCC - GIS Date: 3/1/2023

-  Buffer
-  Subject Property

ZONING MAP

HERRON, PAULA & VOLLAND, CLAUDIA

22V00021



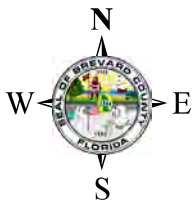
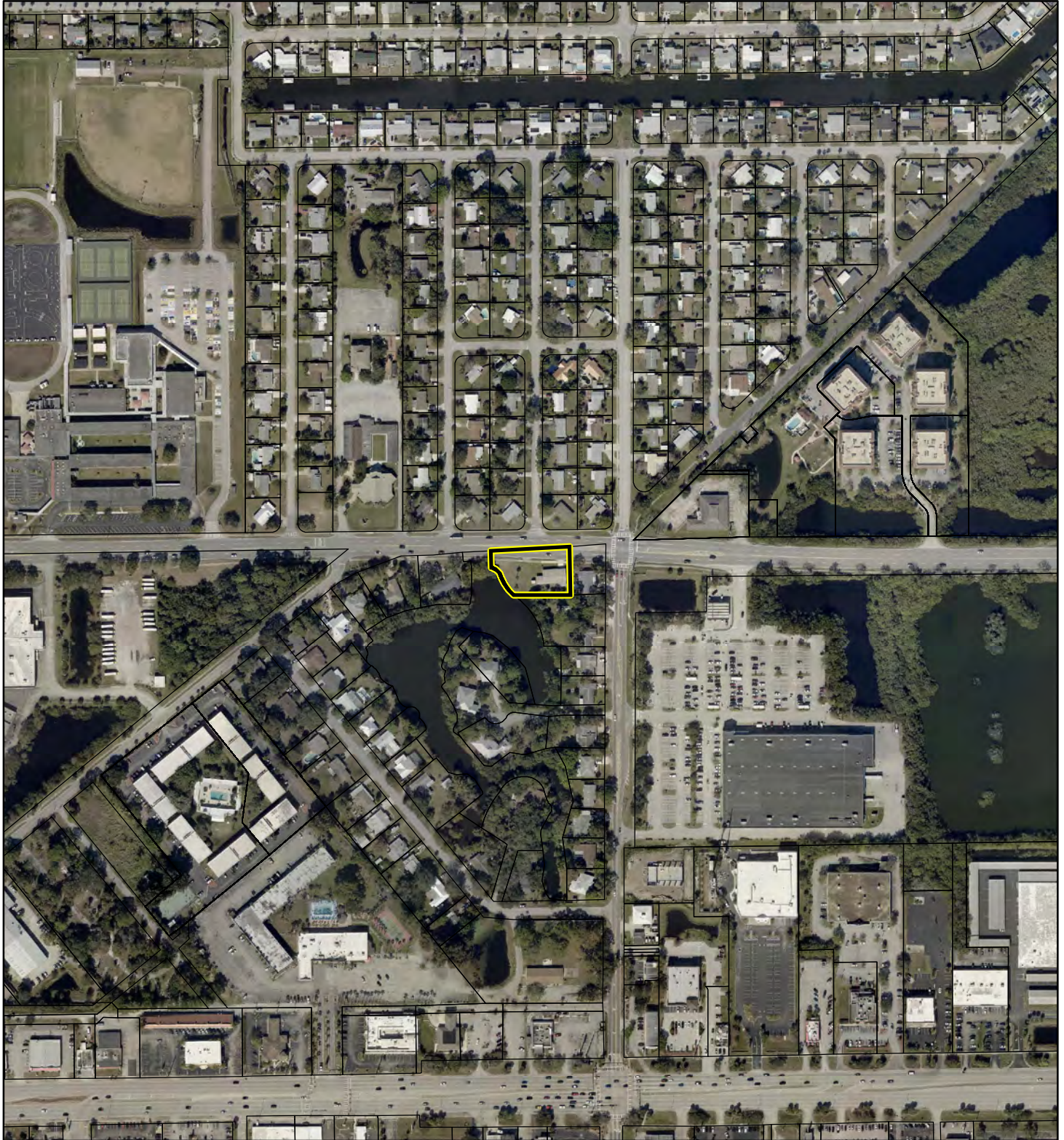
1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/1/2023

- Subject Property
- Parcels
- Zoning

AERIAL MAP
HERRON, PAULA & VOLLAND, CLAUDIA
22V00021





1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2022

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/1/2023

 Subject Property
 Parcels

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

Yes. If Yes, indicate case number _____, and
name of contractor _____

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:

In this request, the only property on the south side of East Merritt Avenue which was affected by
Emminent Domain in this way is 375 E. Merritt Avenue. Prior to Emminent Domain the property
adjacent to the front of the structure was significant; what is now approximately 3 lanes of roadway.
The adjacent property at the corner of Plumosa and Merritt Avenue is BU-1-A.

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

The property at issue was purchased by my family in 1962; in the 1990's, the front of the property
was taken through Emminent Domain. The original property line extended to what is now the easterly traffic
lanes of E. Merritt Avenue. The eminent domain left the structure with a minimal set back from the street.

(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:

Not that I am aware of; there are no other properties that were subject to the eminent
domain that created this type of set back issue.

(over)

(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:

That is absolutely correct. The property as it exists today, largely as a result of the eminent domain and the significant roadway that consumes the front yard and traverses in front of the home, made the property undesirable as a residential property, and alone created any setback issue.

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

That is correct. This variance will allow the property to be used as BU-1-A. There is a pending application for this land to be rezoned, consistent with the contiguous properties.

(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: Absolutely. The area has transformed into a commercial area. The adjacent property and properties to the South and East are already in use as commercial BU-1-A properties.

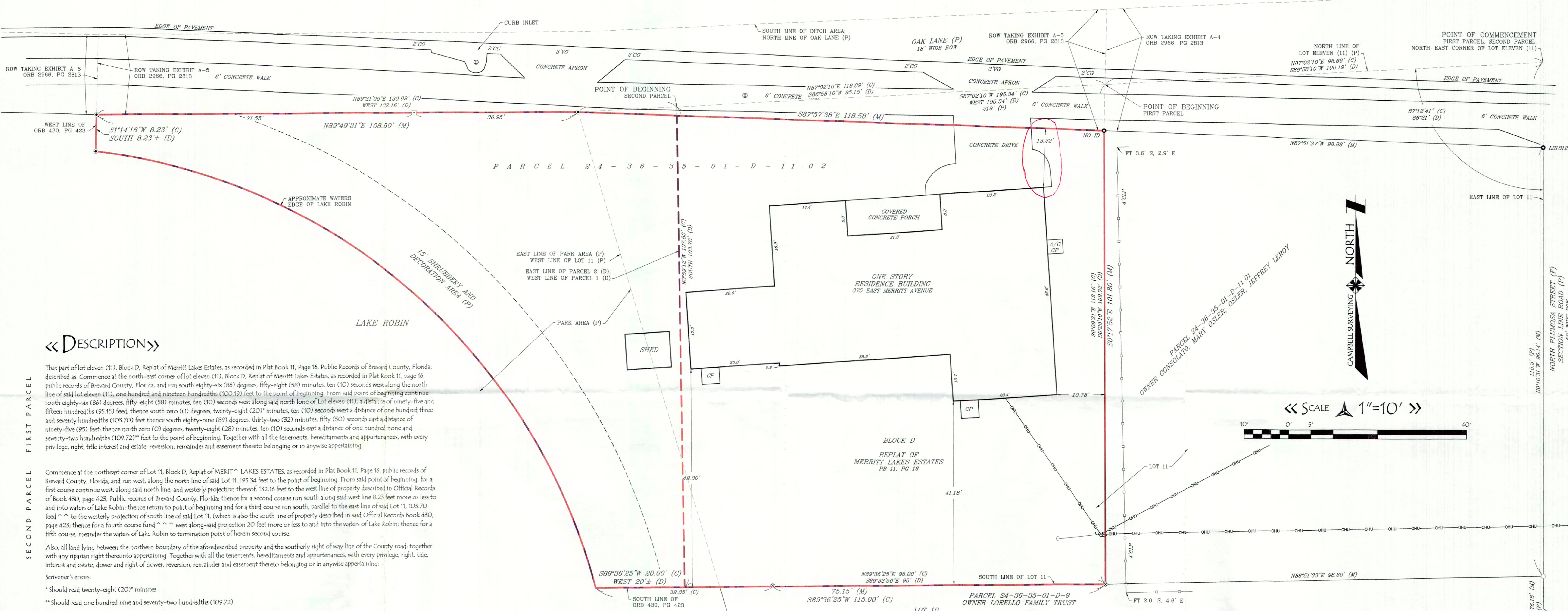
I understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by the below-signed zoning representative. I am fully aware that it is my responsibility to prove complete compliance with the aforementioned criteria.

Signature of applicant Paula L. Herron

Signature of planner Paul Body

BOUNDARY SURVEY

IN A PORTION OF SECTION 35,
TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA



DESCRIPTION

That part of lot eleven (11), Block D, Replat of Merritt Lakes Estates, as recorded in Plat Book 11, Page 16, Public Records of Brevard County, Florida, described as: Commence at the north-east corner of lot eleven (11), Block D, Replat of Merritt Lakes Estates, as recorded in Plat Book 11, page 16, public records of Brevard County, Florida, and run south eighty-six (86) degrees, fifty-eight (58) minutes, ten (10) seconds west along the north line of said lot eleven (11), one hundred and nineteen hundredths (100.19) feet to the point of beginning. From said point of beginning continue south eighty-six (86) degrees, fifty-eight (58) minutes, ten (10) seconds west along said north line of Lot eleven (11), a distance of ninety-five and fifteen hundredths (95.15) feet, thence south zero (0) degrees, twenty-eight (20) minutes, ten (10) seconds west a distance of one hundred three and seventy hundredths (103.70) feet thence south eighty-nine (89) degrees, thirty-two (32) minutes, fifty (50) seconds east a distance of ninety-five (95) feet; thence north zero (0) degrees, twenty-eight (28) minutes, ten (10) seconds east a distance of one hundred none and seventy-two hundredths (109.72) feet to the point of beginning. Together with all the tenements, hereditaments and appurtenances, with every privilege, right, title interest and estate, reversion, remainder and easement thereto belonging or in anywise appertaining.

Commence at the northeast corner of Lot 11, Block D, Replat of MERRITT LAKES ESTATES, as recorded in Plat Book 11, Page 16, public records of Brevard County, Florida, and run west, along the north line of said Lot 11, 195.34 feet to the point of beginning. From said point of beginning, for a first course continue west, along said north line, and westerly projection thereof, 152.16 feet to the west line of property described in Official Records of Book 430, page 423, Public records of Brevard County, Florida; thence for a second course run south, parallel to the east line of said Lot 11, 103.70 feet and into waters of Lake Robin; thence return to point of beginning and for a third course run south, parallel to the east line of said Lot 11, 103.70 feet to the westerly projection of south line of said Lot 11, (which is also the south line of property described in said Official Records Book 430, page 423; thence for a fourth course run west along said projection 20 feet more or less to and into the waters of Lake Robin; thence for a fifth course, meander the waters of Lake Robin to termination point of herein second course.

Also, all land lying between the northern boundary of the aforescribed property and the southerly right of way line of the County road, together with any riparian right thereunto appertaining. Together with all the tenements, hereditaments and appurtenances, with every privilege, right, tide, interest and estate, dower and right of dower, reversion, remainder and easement thereto belonging or in anywise appertaining.

- Scrivener's errors:
- * Should read twenty-eight (20) minutes
 - ** Should read one hundred nine and seventy-two hundredths (109.72)
 - ^ Should read Replat of MERRITT LAKES ESTATES
 - ^^ Should read feet
 - ^^^ Should read run

SURVEYOR'S NOTES

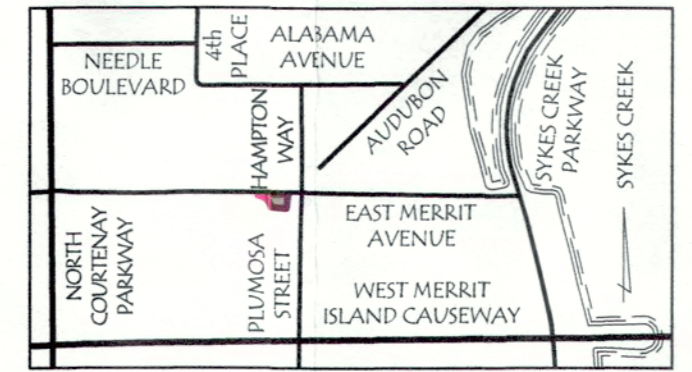
1. The intended purpose of this Boundary Survey is to show existing boundary conditions and site plan.
2. This survey was performed without the benefit of updated title search information. There may be easements and matters of record affecting this site in the public records.
3. This survey does not reflect or determine ownership.
4. This survey meets or exceeds the minimal horizontal control accuracy of 1:7500 for a Suburban survey.
5. Measurements shown hereon are expressed in feet and decimal parts thereof.
6. Dimensions shown are taken at the exposed areas of improvements, underground footers, foundations, utilities or other subsurface structures are not located for the purpose of this survey.
7. This drawing is not valid unless bearing an original signature and embossed land surveyors seal.
8. Bearings shown hereon are based on the North line of subject site having a bearing of S87°57'38\"/>

LEGEND & ABBREVIATIONS

- FOUND 1/2" IRON ROD WITH DESCRIPTION
- ✱ FOUND 3/4" IRON PIPE, NO ID
- FOUND 4"x4" CONCRETE MONUMENT, NO ID
- FOUND 5/8" IRON ROD, NO ID
- SET NAIL AND DISK, LB7978
- DMHP DRAINAGE MANHOLE
- UTILITY POLE WITH GUY WIRE
- A/C AIR CONDITIONER
- (C) CALCULATED INFORMATION
- CLF CHAIN LINK FENCE
- CP CONCRETE PAD
- CG CURB AND GUTTER
- (D) DESCRIBED INFORMATION
- EL ELEVATION
- FEMA FEDERAL EMERGENCY MANAGEMENT AGENCY
- FT FENCE TIE
- (F) FIELD INFORMATION
- FIRM FLOOD INSURANCE RATE MAP
- ID IDENTIFICATION
- LB LICENSED BUSINESS
- LS LICENSED SURVEYOR
- (M) MEASURED INFORMATION
- ORB OFFICIAL RECORDS BOOK
- OHU OVERHEAD UTILITY LINE
- PG PAGE OR PAGES
- PB PLAT BOOK
- (P) PLAT INFORMATION
- ROW RIGHT OF WAY
- VG VALLEY GUTTER

FEMA FLOOD

FOR INFORMATION ONLY:
The surveyor no longer certifies the FEMA Flood Zones. This certification is made by an independent contractor of the Federal Government. As a courtesy to the client, this surveyor feels that the subject parcel appears to lie in FIRM Zone "AE" (EL 4), special flood hazard hazard area, base flood elevation determined, from Community Panel No. 12009C0427H dated 1/29/2021.



LOCATION MAP
SCALE: 1" = 1000' ±



LICENSED Business #7978
115 Alma Blvd., Suite 102 / Mailing Address: P.O. Box 541866
Merritt Island, FL 32954 Phone: (321) 507.4811

DocuSign by: John Campbell
I hereby certify that the survey shown hereon is true and correct based on actual measurements taken in the field. This survey meets the Standards of Practice as set forth by the Florida Board of Professional Land Surveyors found in Chapter 51-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Unless it bears the Signature and Original Raised Seal of a Florida Licensed Surveyor and Mapper this Drawing, Sketch, Plat or Map is for informational purposes only and is not valid.

John R. Campbell
JOHN R. CAMPBELL
PROFESSIONAL SURVEYOR & MAPPER #2351
STATE OF FLORIDA

Boundary Survey		ADDRESS: 375 East Merritt Avenue, Merritt Island, FL 32955
PREPARED FOR AND CERTIFIED TO:	PAULA L. HERRON & CLAUDIA VOLLAND	SECTION 35
		TOWNSHIP 24 SOUTH
		RANGE 36 EAST
REVISIONS:	DATE:	DESCRIPTION:



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

4/19/2023

Subject:

IR Tiki 2, LLC (Steve Monroe) requests variances for a breezeway corridor and a structure in a BU-1 zoning classification. (22V00052) (Tax Account 2611662) (District 4)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of Adjustment conduct a public hearing to consider variances for a breezeway corridor and a structure in a BU-1 (General Retail Commercial) zoning classification.

Summary Explanation and Background:

IR Tiki 2, LLC (Steve Monroe) requests variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-2105(b), to permit a variance of 11.8 ft. from the required 32.91 ft. (30%) breezeway corridor on riverfront property; 2.) Section 62-1485(5)(a)(4)(a), to permit a variance of 6.59 ft. from the required 15-ft. side (south) setback for a structure, in a BU-1 zoning classification. The property is 0.96 acres, located on the east side of U.S. Highway 1, approx. 900 ft. south of Coquina Ridge Dr. (4263 N. U.S. Highway 1, Melbourne)

Clerk to the Board Instructions:



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

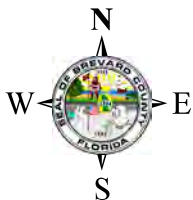
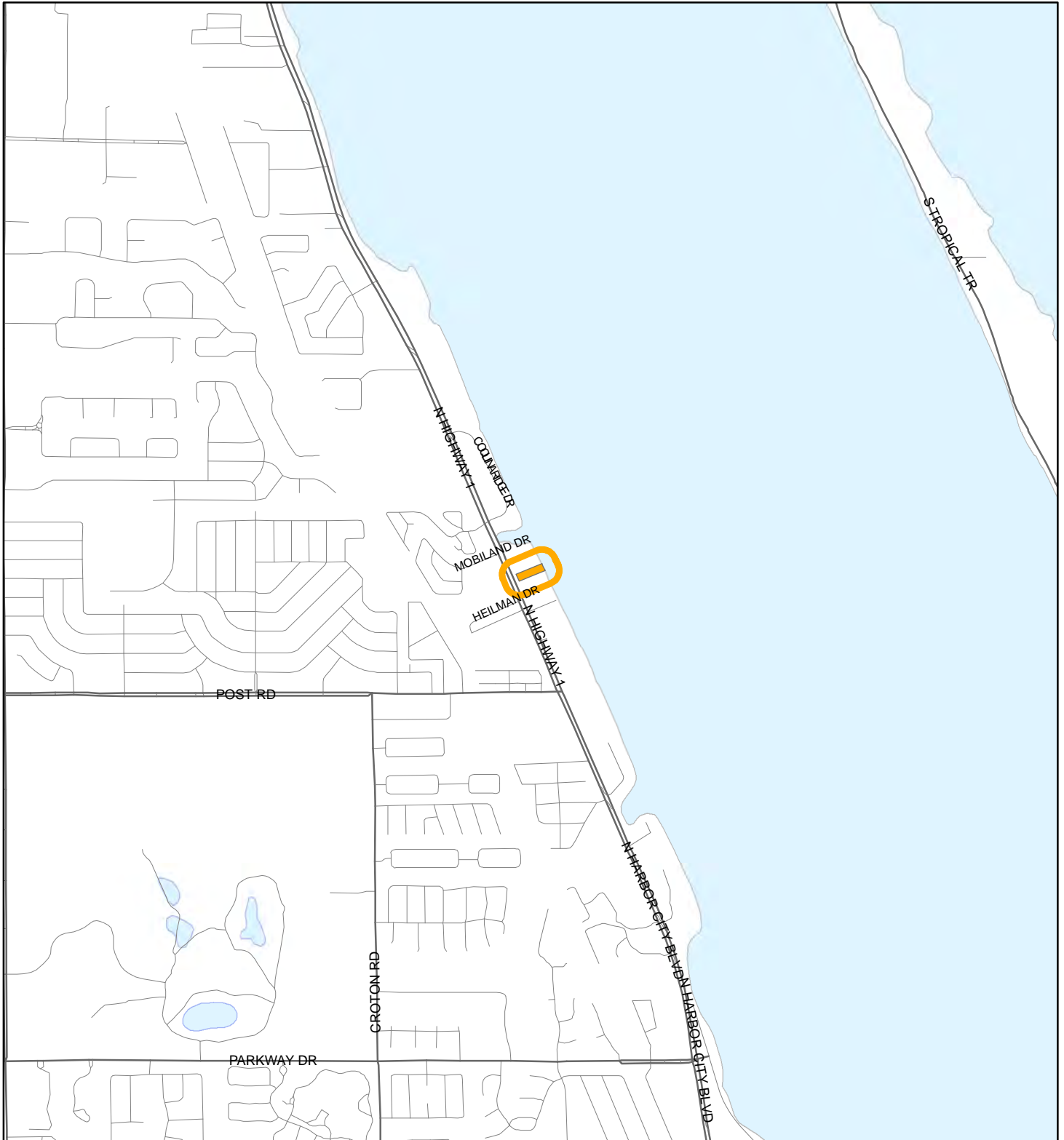
TO: Board of Adjustment Members
FROM: Paul Body, Planner III
Thru: Jeffrey Ball, AICP, Planning & Zoning Manager
SUBJECT: Variance Staff Comments for Wednesday, April 19, 2023
DATE: April 05, 2023

DISTRICT 4

2. (22V00052) IR Tiki 2, LLC (Steve Monroe) requests variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-2105(b), to permit a variance of 11.8 ft. from the required 32.91 ft. (30%) breezeway corridor on riverfront property; 2.) Section 62-1485(5)(a)(4)(a), to permit a variance of 6.59 ft. from the required 15-ft. side (south) setback for a structure, in a BU-1 (General Retail Commercial) zoning classification. This request represents the applicant's request to legitimize the existing structures for site plan application requirement. The applicant states that the parcel was developed when it was purchased on 5/14/20 and only the tiki hut has been added to the existing structures on the parcel. The first request equates to an 36% deviation of what the code allows. The second request equates to an 44% deviation of what the code allows. There are no variances approved to breezeway requirements in the immediate area. There are two variances approved to side setback requirements in the immediate area. There is a code enforcement violation (22CE-01360) for newly opened business (Marker 99) has construction and renovations without permits and not done by licensed contractors. 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 revision date of 2/02/2023.

LOCATION MAP

IR TIKI 2 LLC
22V00052





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 200 feet

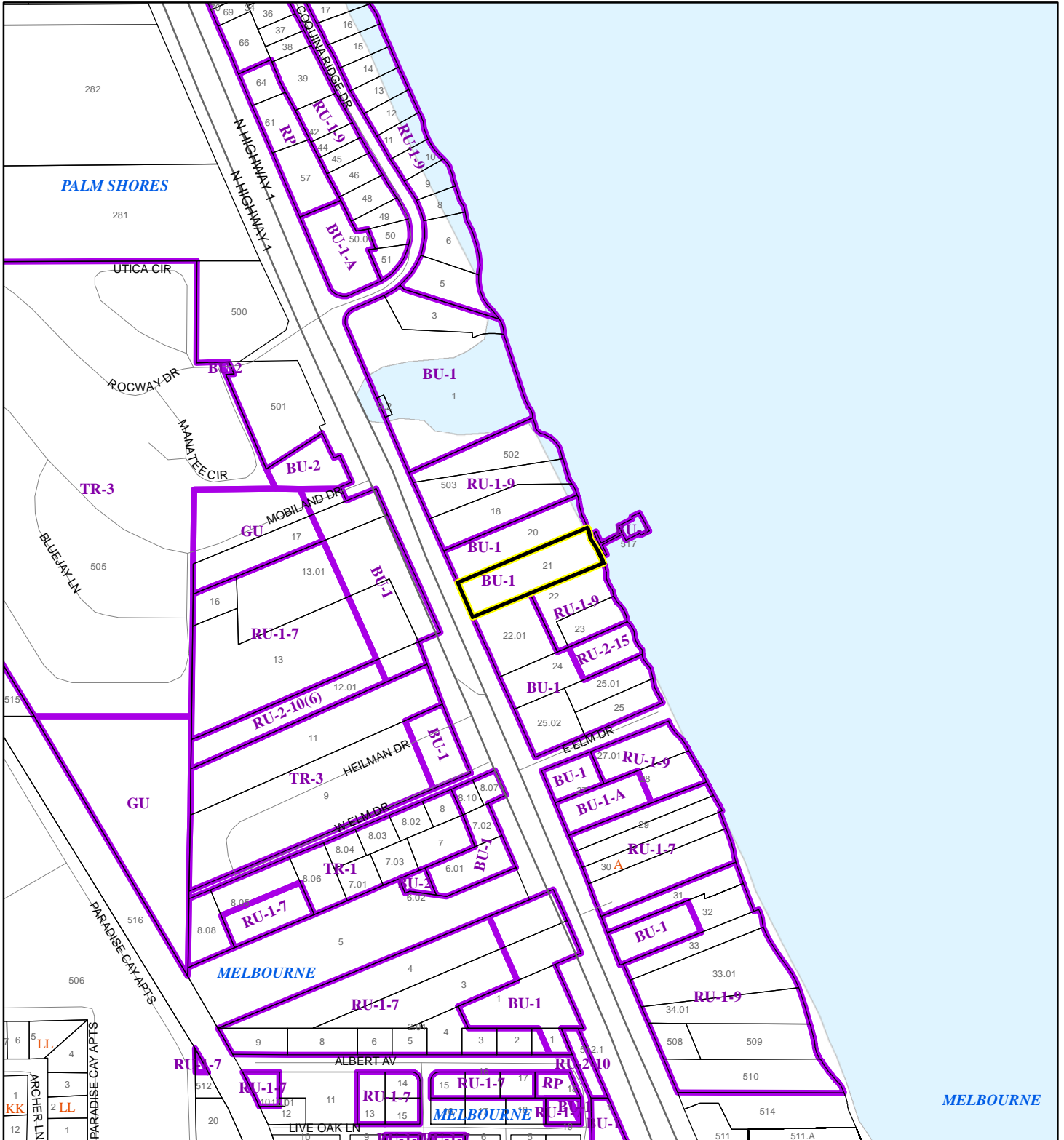
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/8/2023

-  Buffer
-  Subject Property

ZONING MAP

IR TIKI 2 LLC
22V00052



1:4,800 or 1 inch = 400 feet

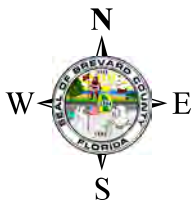
- Subject Property
- Parcels
- Zoning

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/8/2023

AERIAL MAP

IR TIKI 2 LLC
22V00052




1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2022

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/8/2023

 Subject Property

 Parcels

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

Yes. If Yes, indicate case number 22CT-00257, and

name of contractor _____

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:

The existing building (site) was constructed in 1978 per the Brevard County Tax Appraiser page.

Code Section 62-2105 relative to a breezeway requirement was codified in 1979.

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

Applicant purchased this property 5-14-20. The existing site was developed.

(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:

Tiki Hut is an open structure.

The recently constructed Tiki Hut is shielded by the existing building & existing fences. (behind both)

The Tiki Hut does not impact the existing breezeway open/covered condition due to the existing conditions.

Granting of the variance will allow the existing buildings & fences to remain. (existing condition)

(over)

(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:

The existing building covers 70.8% of the lot width. Existing fences cover the remaining 29.2%. (100% covered)

Existing fences each side of the building are relied upon to secure the property.

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

The existing building covers 70.8% of the lot width. Existing fences covering the remaining 29.2%. (100%)

The recently constructed Tiki Hut is behind the existing building & fences. It does not further reduce open space.

This is an existing condition. Fences secure the property.

(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:

Granting of this variance will not be injurious to the area involved or detrimental to the public welfare.

I understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by the below-signed zoning representative. I am fully aware that it is my responsibility to prove complete compliance with the aforementioned criteria.

Signature of applicant _____

Signature of planner _____

BOUNDARY SURVEY

IN A PORTION OF SECTION 32,
TOWNSHIP 26 SOUTH, RANGE 37 EAST, BREVARD COUNTY, FLORIDA

#1 Breezeway 30% of 109.71 = 32.91
-21.11
11.80

5.0
7.7
8.41
21.11



SCALE 1"=20'

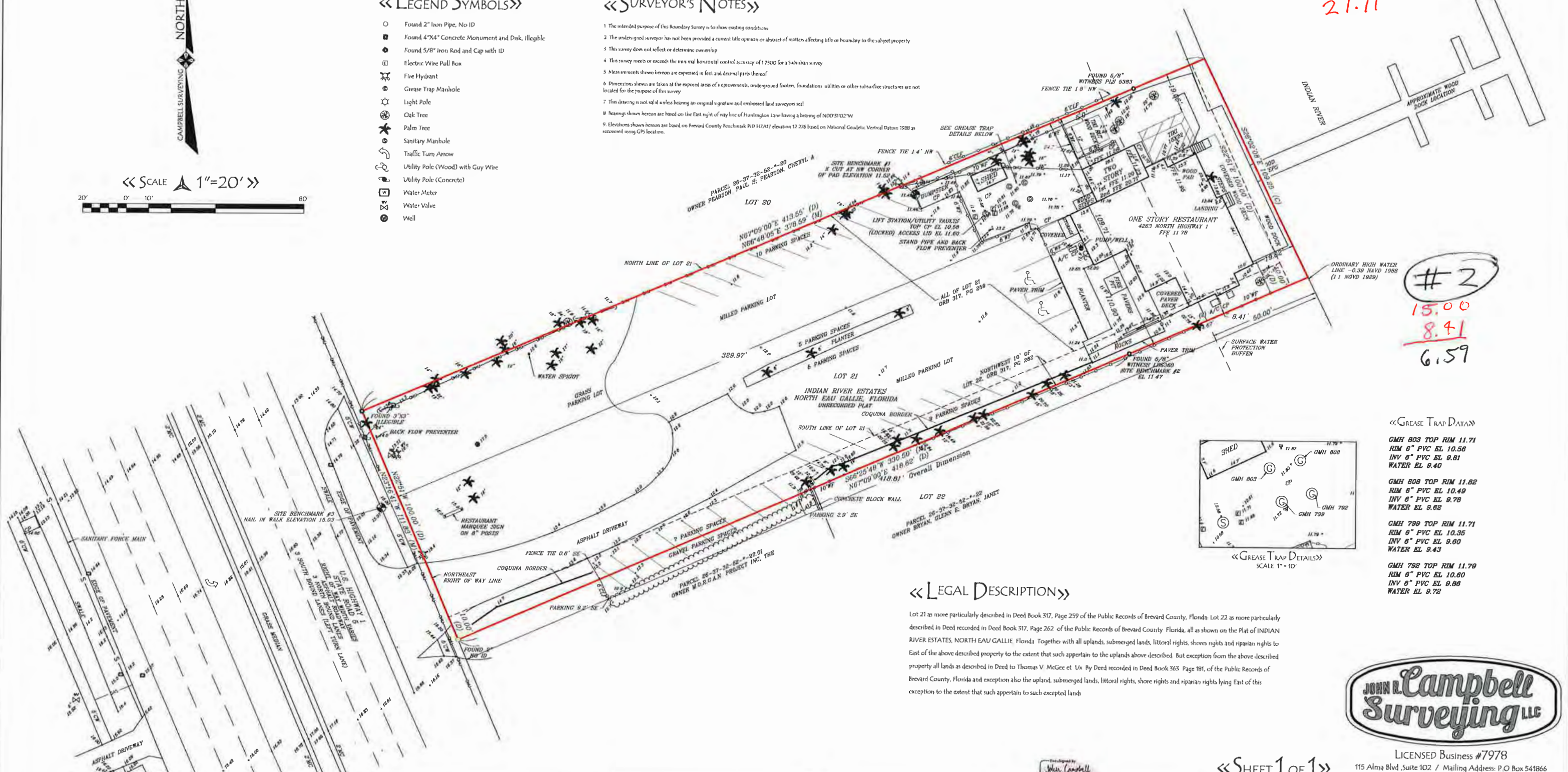


LEGEND SYMBOLS

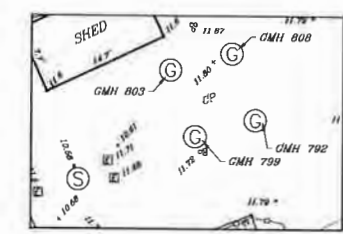
- Found 2" Iron Pipe, No ID
- ◻ Found 4"x4" Concrete Monument and Disk, Illegible
- Found 5/8" Iron Rod and Cap with ID
- Electric Wire Pull Box
- ⊕ Fire Hydrant
- ⊗ Grease Trap Manhole
- ☼ Light Pole
- ⊙ Oak Tree
- ✱ Palm Tree
- ⊙ Sanitary Manhole
- ➔ Traffic Turn Arrow
- ⊙ Utility Pole (Wood) with Guy Wire
- ⊙ Utility Pole (Concrete)
- ⊙ Water Meter
- ⊙ Water Valve
- ⊙ Well

SURVEYOR'S NOTES

- 1 The intended purpose of this Boundary Survey is to show existing conditions.
- 2 The undersigned surveyor has not been provided a current title opinion or abstract of matter affecting title or boundary to the subject property.
- 3 This survey does not reflect or determine ownership.
- 4 This survey meets or exceeds the minimal horizontal control accuracy of 1:7500 for a Subsidiary survey.
- 5 Measurements shown hereon are expressed in feet and decimal parts thereof.
- 6 Dimensions shown are taken at the exposed areas of improvements, underground features, foundations, utilities or other subsurface structures are not located for the purpose of this survey.
- 7 This drawing is not valid unless bearing an original signature and embossed land surveyor seal.
- 8 Bearings shown hereon are based on the East right of way line of Huntington Lane having a bearing of N00°31'02"W.
- 9 Elevations shown hereon are based on Brevard County Benchmark PIP 11A17 elevation 12.276 based on National Geodetic Vertical Datum: 1988 as recovered using GPS locations.



#2
15.00
8.41
6.59



GREASE TRAP DATA

GMH 803 TOP RIM 11.71
RIM 6" PVC EL. 10.56
INV 6" PVC EL. 9.81
WATER EL. 9.40

GMH 808 TOP RIM 11.82
RIM 6" PVC EL. 10.49
INV 6" PVC EL. 9.78
WATER EL. 9.62

GMH 799 TOP RIM 11.71
RIM 6" PVC EL. 10.35
INV 6" PVC EL. 9.60
WATER EL. 9.43

GMH 782 TOP RIM 11.70
RIM 6" PVC EL. 10.60
INV 6" PVC EL. 9.88
WATER EL. 9.72

LEGAL DESCRIPTION

Lot 21 as more particularly described in Deed Book 317, Page 259 of the Public Records of Brevard County, Florida; Lot 22 as more particularly described in Deed recorded in Deed Book 317, Page 262 of the Public Records of Brevard County, Florida, all as shown on the Plat of INDIAN RIVER ESTATES, NORTH EAU GALLIE, Florida. Together with all uplands, submerged lands, littoral rights, shore rights and riparian rights to East of the above described property to the uplands above described. But except from the above described property all lands as described in Deed to Thomas V. McGee et. Ux. By Deed recorded in Deed Book 365, Page 181, of the Public Records of Brevard County, Florida and exception also the upland, submerged lands, littoral rights, shore rights and riparian rights lying East of this exception to the extent that such appertain to such excepted lands.

EXPLANATION OF ABBREVIATIONS

PC	Point of Commencement	MH	Manhole	CP	Concrete Pad	WF	Wood Fence
PB	Point of Beginning	LR	Licensed Business	A/C	Air Conditioner	SS	Sanitary Sewer
CW	Concrete Wall	PLS	Professional Land Surveyor	RCF	Reinforced Concrete	(C)	Calculated Information
CG	Concrete Curb	FFE	Finished Floor El.	EP	Edge of Pavement	(P)	Plat Information
CC	Concrete Curb	-S-	Underground Sanitary Sewer Line	ID	Identification	(M)	Measured Information
CBW	Concrete Block Wall	-GAS-	Underground Gas Line	CB	Catch Basin	(INV)	Invert
ORB	Official Record Book	-W-	Underground Water	N.G.V.D.	National Geodetic Vertical Datum	(E)	Elevation
						PVC	Polyvinyl Chloride Pipe

THE UNDERGROUND UTILITY INFORMATION:
As shown hereon is based in part upon information furnished by utility companies and the local municipality while this information is believed to be reliable, its accuracy and completeness cannot be guaranteed nor certified to.
(P) indicates pipe sizes per record plans. Other pipe sizes are estimated. No pipe sizes should be relied upon without further verification.

I hereby certify that the survey shown hereon is true and correct based on actual measurements taken in the field. This survey meets the Standards of Practice as set forth by the Florida Board of Professional Land Surveyors found in Chapter 472.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statute.

John R. Campbell
PROFESSIONAL SURVEYOR & MAPPER #2351

« SHEET 1 OF 1 »



LICENSED Business #7978
115 Alma Blvd, Suite 102 / Mailing Address: P O Box 541866
Merritt Island, FL 32954 Phone: (321) 507 4811

SITE LOCATION: 4265 North Highway 1 Melbourne, FL 32955	
SECTION 32	TOWNSHIP 26 SOUTH
RANGE 37 EAST	SECTION 32 EAST
DATE	DESCRIPTION
11/11/2020	BOUNDARY SURVEY
11/11/2020	ADDITIONAL POSITIONS
11/11/2020	ADDITIONAL POSITIONS

NOTE TO CONTRACTOR CONCERNING SIDEWALK SLOPES:

ALL NEW SIDEWALKS SHALL COMPLY WITH THE CURRENT ADA GUIDELINES & THE 2020 FLORIDA BUILDING CODE ACCESSIBILITY 7TH EDITION.

- SIDEWALKS:
 - LANDINGS SHALL BE MINIMUM OF 5'X5' AND NOT EXCEED A 2% SLOPE IN ANY DIRECTION
 - LANDINGS & DIMENSIONS RELATIVE TO DOOR SWING SHALL BE PROVIDED PER FBC
 - RAMPS SHALL NOT EXCEED A 1:12 SLOPE FOR A MAXIMUM RISE OF 0.5'. HAND RAILS SHALL BE PROVIDED IF RISE EXCEEDS 0.5'
 - RAMPS MAY NOT EXCEED A MAXIMUM RISE OF 30" WITH HAND RAILS
 - RUNNING SLOPES SHALL NOT EXCEED A 1:20 SLOPE WITHOUT PROVIDING HAND RAILS
- HANDRAILS:
 - WHEN HAND RAILS ARE PROVIDED, HAND RAILS SHALL BE PER FBC.
 - MINIMUM CLEARANCE SHALL BE 32"
 - HEIGHT SHALL NOT BE LESS THAN 32" NOR MORE THAN 38"
- HANDICAP PARKING:
 - SLOPE SHALL NOT EXCEED 2% SLOPE IN ANY DIRECTION. IF SLOPES EXCEED 2% ON EXISTING PAVED AREAS, THEY CAN NOT BE DESIGNATED AS A HANDICAP PARKING SPACE.



DIRECTIONS: <<ADDRESS>> 4263 N. HIGHWAY 1, MELBOURNE, FLORIDA 32935
 TAKE HIGHWAY 1-90 TO EXIT 108 FOR PANDEA CAUSEWAY & TURN EAST ONTO STATE ROAD 404. CONTINUE FOR 2.0 MILES TO THE HIGHWAY 1 AND TURN SOUTH. CONTINUE FOR 2.1 MILES. SITE IS LOCATED ON THE EAST SIDE OF THE ROAD.

VICINITY

GENERAL STATEMENT: THIS PROJECT IS LOCATED WITHIN UNINCORPORATED BREVARD COUNTY (JURISDICTION). THE SITE HAS AN EXISTING RESTAURANT BUILT IN 1978 WITH AN EXISTING ASPHALT MILLING PARKING LOT. THE EXISTING PARKING LOT DRAINAGE TO THE INDIAN RIVER WITHOUT TREATMENT. THE PROJECT PROPOSES TO SITE PLAN (1) TIKI HUT, SIDEWALKS AND A NEW PARKING LOT. THE NEW PARKING LOT WILL CONSIST OF BOTH CONCRETE & PERVIOUS CONCRETE. THE PERVIOUS CONCRETE WILL RETAIN 100% OF THE STORMWATER ONSITE FROM THE NEW PARKING LOT & NEW SIDEWALKS, PROVIDING TREATMENT & ATTENUATION.

OWNER/ APPLICANT: IR TIKI 2, LLC
 577 BARNES BLVD., SUITE 650
 ROCKLEDGE, FLORIDA 32955
 MR. SK PATEL
 PHONE: 321-636-7110

ENGINEER OF RECORD: MONROE ENGINEERING, INC.
 P.O. BOX 121094
 WEST MELBOURNE, FLORIDA 32912
 MR. STEVEN W. MONROE, P.E.
 PHONE: 321-544-8177

SITE ADDRESS: 4263 N. HIGHWAY 1, MELBOURNE, FLORIDA 32935

TAX PARCEL IDENTIFICATION: 26-37-32-52-Y-21

LEGAL DESCRIPTION: SEE SHEET C-1

FLOOD ZONE: FLOOD ZONE X PER FIRM MAP#12009C0517H, DATED JANUARY 28, 2021

AREA OWNED: ±45,981 SF = ±1.056 AC = 100%

PROJECT AREA: ±34,613 SF = ±0.795 AC

CONSTRUCTION TYPE: EXISTING MASONRY/WOOD FRAME BUILDING

MUNICIPALITY: BREVARD COUNTY

FUTURE LAND USE: HC NEIGHBORHOOD COMMERCIAL

ZONING: BU-1 ADJACENT ZONING: NORTH BU-1 SOUTH BU-1/RU-1-9 EAST RIVER WEST US 1/RU-1-9

EXISTING USE: RESTAURANT

BUILDING SETBACK REQUIRED: NORTH 5' SOUTH 5' EAST 15' WEST 25'

BUILDING SETBACK EXISTING: NORTH 10.06' SOUTH 8.41' EAST 19.47' WEST 329.97'

ALLOWABLE BUILDING HEIGHT: 35'

PROPOSED BUILDING(S): NO NEW STRUCTURES PROPOSED

EXISTING BUILDING(S): (1) (SINGLE STORY & 2 STORY)

EXISTING BUILDING AREA: ±3,999 SF

MAXIMUM FLOOR AREA RATIO (FAR): 0.75

PROPOSED FLOOR AREA RATIO (FAR): 0.087

PARKING:

PARKING CALCULATION			
SITE USE	AREA (SF)	PARKING RATIO	REQUIRED
EXIST BUILDING	3,999	100	40
OUTSIDE SEATING	2,100	100	21
HANDICAP PARKING REQUIRED			3
TOTAL PARKING REQUIRED (INC. 3 H/C)			61
TOTAL PARKING PROVIDED (INC. 3 H/C)			61

- NOTES:**
1. 500 ALL DISTURBED AREAS & SLOPES GREATER THAN 4:1.
 2. ALL DIMENSIONS ARE TO FROM FACE OF CURB.
 3. ALL PROPOSED ELEVATIONS ARE EDGE OF PAVEMENT ELEVATIONS.
 4. ALL SIDEWALKS, RAMPS AND CROSS WALKS WILL BE BUILT & INSPECTED TO MEET THE MOST CURRENT ADA GUIDELINES.
 5. THIS SITE PLAN COMPLIES WITH BREVARD COUNTY'S PERFORMANCE STANDARD 62-2281 THROUGH 62-2272.
 6. THE USES PROPOSED AS PART OF THIS SITE PLAN DO NOT REQUIRE A SUBMITTAL OF A RISK MANAGEMENT PLAN PURSUANT TO U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) REGULATIONS AND SHALL NOT EXCEED EPA'S RMP THRESHOLD QUANTITIES OF LISTED SUBSTANCES.
 7. ALL POSTS AND HARDWARE FOR ANY SIGNS INSTALLED ON THE SITE OR IN THE BREVARD COUNTY RIGHT OF WAY WILL ADHERE TO THE REQUIREMENTS SPELLED OUT IN BREVARD COUNTY LAND DEVELOPMENT EXHIBIT 26.

- FOOT NOTES:**
1. ALL CONSTRUCTION WITHIN THE FDOT RIGHT OF WAY SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE FDOT DESIGN STANDARDS, FDOT SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, AND 2017 UTILITY ACCOMMODATIONS MANUAL.
 2. ALL UNPAVED AREAS WITHIN THE FDOT AREAS THAT HAVE BEEN DISTURBED BY CONSTRUCTION SHALL BE SOODED WITH COMMON BERMUDA.
 3. PLACE 500 PER FDOT DESIGN STANDARDS INDEX 103 WITH STAGGERED TRANSVERSE JOINTS (BRICK) PATTERN DETAIL AT 1" DROP OFF BELOW THE EDGE OF PAVEMENT.
 4. ALL EXCAVATION WITHIN (10) FEET OF THE TRAVEL LANES WITH A DROP OFF GREATER THAN (3) INCHES DEEP MUST BE FILLED IN OR HAVE A 4:1 SHOULDER TREATMENT PLACED PER FDOT DESIGN STANDARD INDEX 102-800 BY THE END OF THE WORKING DAY.
 5. FDOT MUST BE CONTACTED 48 HOURS IN ADVANCE BEFORE WORK BEGINS.
 6. ALL MATERIALS USED WITHIN THE FDOT RIGHT OF WAY MUST BE STATE CERTIFIED.

SURVEY: SURVEY INFORMATION USED IN THIS PROJECT TO DEPICT PROPERTY BOUNDARY, TOPOGRAPHY, TREES, UTILITIES & OTHER IMPROVEMENTS WAS PROVIDED BY JOHN R. CAMPBELL SURVEYING, LLC. PROJECT #2020-153, UPDATED 8-30-22.

MONROE ENGINEERING, INC.
 CIVIL ENGINEERING / STRUCTURAL ENGINEERING
 P.O. BOX 121094, WEST MELBOURNE, FL. 32912
 PE #61778 PHONE: 321-544-8177 CA #32271

PROJECT: MARKER 99 PARKING LOT

SHEET TITLE: SITE PLAN	
ISSUE DATE: 10-31-22	DRAWN BY: SM CHECK BY: SM APPR. BY: SM SCALE: 1:20
REV. BY: DATE	JOB NO: 22-001
	SHEET: 4 OF 15
	C-3

ENGINEERS CERTIFICATION

STEVEN W. MONROE, P.E. #61778

SIGNATURE: _____

DATE: OCTOBER 31, 2022

THESE PLANS ARE NOT VALID WITHOUT THE ENGINEER OF RECORDS ORIGINAL SIGNATURE, DATE & SEAL

FOR REVIEW NOT FOR CONSTRUCTION

SIGNAGE & STRIPING SHALL BE PER FDOT REQUIREMENTS

1] WHITE DIRECTION ARROW TYP PER FDOT INDEX 711-001, SHEET 1 OF 13
2] 36" HIGH INTENSITY GRADE STOP SIGN R1-1
3] 24" WIDE WHITE STOP BAR (MIN 4" CLEAR OF CROSSWALK)
4] 6" SINGLE WHITE
5] 6" DOUBLE YELLOW STRIPES (25' LONG FROM STOP BAR)
6] 12" SINGLE WHITE STRIPE PER FDOT INDEX 711-001 SHEET 9 OF 13 MINIMUM 4" CLEAR BETWEEN STRIPES MINIMUM 4" CLEAR TO STOP BAR

NOTE: ALL STRIPING IN THE PUBLIC RIGHT OF WAY & PROPOSED DRIVEWAY CONNECTION SHALL BE THERMOPLASTIC.

SIGNAGE & STRIPING LEGEND

Area Owned

Area Owned	sf	ac	%
Area Owned	45,981	1.056	100.0

Basin Information

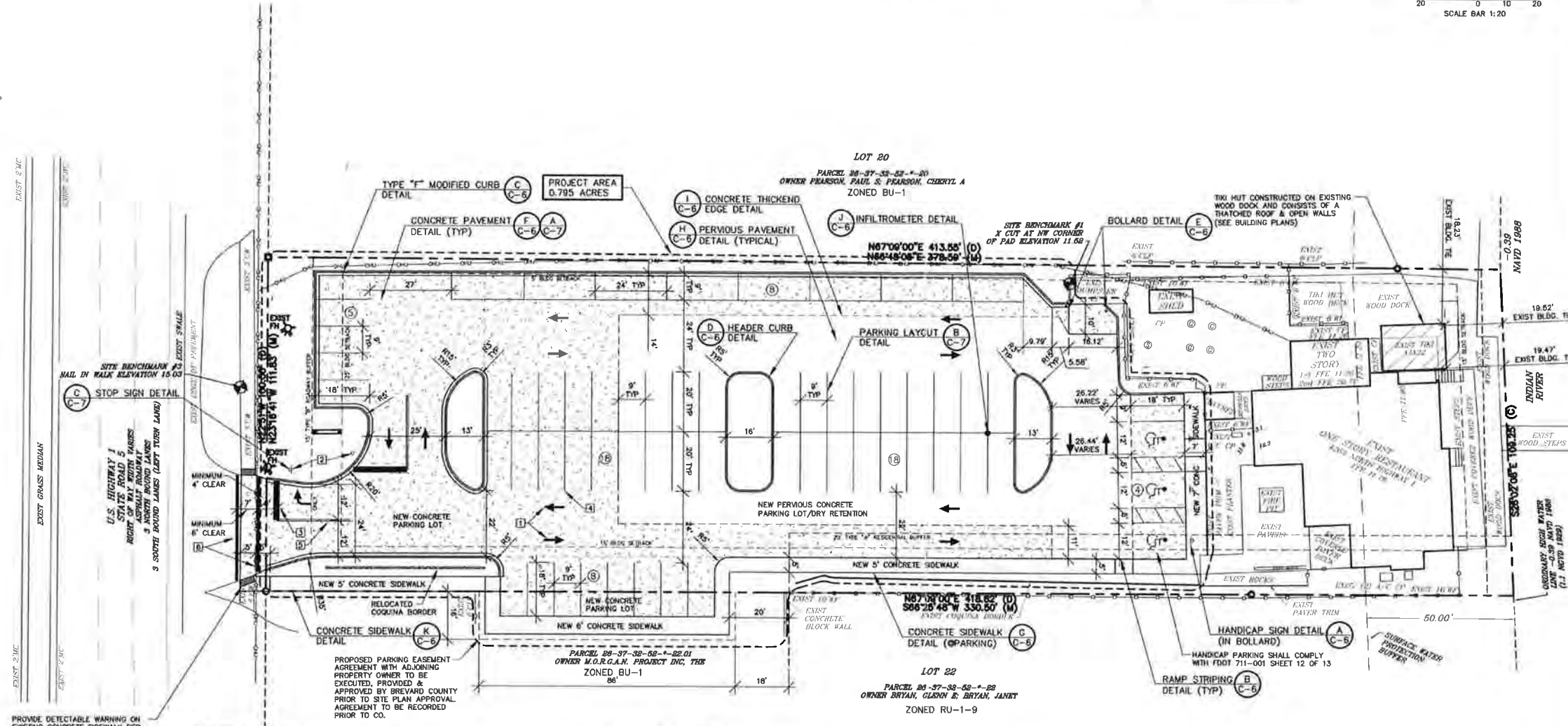
	sf	ac	%
On-Site	33,463	0.767	77.5
Off-Site	1,645	0.038	3.8
RDV	8,061	0.185	18.7
Total	43,169	0.990	100.0

Post Condition Impervious Areas (Treatment Volume)

	sf	ac	%
On-Site Building	434	0.010	1.0
On-Site Paving	26,332	0.604	61.1
On-Site Sidewalks	1,622	0.037	3.8
Off-Site Building	0	0.000	0.0
Off-Site Paving	590	0.014	1.4
Off-Site Sidewalks	574	0.013	1.3
RDV Building	0	0.000	0.0
RDV Paving	8,470	0.191	19.0
RDV Sidewalks	364	0.008	0.8
Total	38,386	0.835	84.4

PerVIOUS Areas

	sf	ac	%
PerVIOUS	6,723	0.154	15.6



PROPOSED PARKING EASEMENT AGREEMENT WITH ADJOINING PROPERTY OWNER TO BE EXECUTED, PROVIDED & APPROVED BY BREVARD COUNTY PRIOR TO SITE PLAN APPROVAL. AGREEMENT TO BE RECORDED PRIOR TO CO.

- PERVIOUS CONCRETE NOTES:**
1. INSTALLATION OF THE PERVIOUS CONCRETE SHALL FOLLOW THE NATIONAL READY MIX CONCRETE ASSOCIATION GUIDELINES AND RECOMMENDATIONS.
 2. PERVIOUS PAVEMENT CONSTRUCTION WILL BE PERFORMED BY A CONTRACTOR THAT IS TRAINED AND CERTIFIED BY THE PRODUCT MANUFACTURER PRIOR TO INSTALLING THE PERVIOUS PAVEMENT SYSTEM.
 3. RUNOFF FROM LANDSCAPE AREAS MUST NOT BE DIRECTED TO ONTO THE PERVIOUS PAVEMENT SYSTEM.
 4. SEE PLAN FOR LOCATION OF INFILTRATORS.
 - 4.1. MINIMUM OF ONE INFILTRATOR REQUIRED FOR EACH SECTION OF PERVIOUS PAVEMENT SYSTEM.
 - 4.2. LARGER SECTIONS OF PERVIOUS PAVEMENT SYSTEM REQUIRE A MINIMUM OF TWO INFILTRATOR PER ACRE.
 - 4.3. PROVIDE SIGNAGE TO INFORM USERS WITH HEAVY WHEEL LOADS OR TRANSIENT CONSTRUCTION EQUIPMENT NOT TO ENTER THE PERVIOUS PAVEMENT SYSTEM AREA.
 5. FOR AREAS WITH PERVIOUS EXISTING PAVEMENT AND BASE, PAVEMENT AND BASE SHALL BE REMOVED. UNDERLYING SOILS ARE TO BE SCARIFIED TO A MINIMUM 16" DEPTH, RE-GRADED, FILLED WITH HYDRAULICALLY CLEAN SOILS (IF APPLICABLE) AND PROOF ROLLED PER SUBGRADE REQUIREMENTS.

- PERVIOUS CONCRETE MAINTENANCE SCHEDULE:**
1. PERVIOUS CONCRETE MAINTENANCE AND OPERATION SHALL FOLLOW THE NATIONAL READY MIX CONCRETE ASSOCIATION GUIDE.
 2. DO NOT SEAL OR RE-PAVE PERVIOUS CONCRETE WITH IMPERVIOUS MATERIALS IN PARTICULAR, NEVER USE ASPHALT OR OTHER TAR-TYPE SEALERS ON PERVIOUS CONCRETE.
 3. MAINTAIN PERVIOUS CONCRETE AS FOLLOWS:
 - 3.1. AS NEEDED:
 - 3.1.1. MAINTAIN UPLAND AND ADJACENT GRASSY AREAS AS NEEDED
 - 3.1.2. SEED UPLAND AND ADJACENT BARE AREAS.
 - 3.1.3. KEEP THE PERVIOUS PAVEMENT SURFACE FREE OF SEDIMENT BY BLOWING, SWEEPING OR VACUUMING.
 - 3.1.4. EXCESSIVE WATER FLOW CARRYING DEBRIS TOWARD THE PAVEMENT SHOULD BE DIVERTED.
 - 3.2. MONTHLY: VISUALLY INSPECT PERVIOUS PAVEMENT TO ENSURE THAT IT IS:
 - 3.2.1. CLEAN OF DEBRIS
 - 3.2.1.1. DE-WATERS BETWEEN STORMS
 - 3.2.2. CLEAN OF SEDIMENTS
 - 3.3. ANNUALLY:
 - 3.3.1. INSPECT THE PERVIOUS PAVEMENT SURFACE FOR DETERIORATION OR SPALLING.

BREVARD COUNTY FIRE NOTES:

1. LANDSCAPING OR ANY OTHER OBSTRUCTION SHALL NOT BE LOCATED WITHIN 36 INCHES AROUND THE CIRCUMFERENCE OF FIRE HYDRANTS EXCEPT AS OTHERWISE REQUIRED OR APPROVED. FIRE DEPARTMENT CONNECTIONS SHALL BE LOCATED AND ARRANGED SO THAT HOSE LINES CAN BE ATTACHED TO THE INLETS WITHOUT INTERFERENCE FROM NEARBY OBJECTS, INCLUDING BUILDINGS, FENCES, POSTS, LANDSCAPING, VEHICLES, OR OTHER FIRE DEPARTMENT CONNECTIONS. (FFPC 1-18.5.3, NFPA 14-8.4.5.1.1)
2. WATER FOR FIRE FIGHTING PURPOSES SHALL BE INDICATED WITH A BLUE ROADWAY REFLECTOR PLACED ON THE CENTER LINE OF THE TRAFFIC LANE NEAREST TO THE FIRE HYDRANT. THIS INCLUDES NEW AND EXISTING SOURCES. (NFPA 1-18.6.7.1, NFPA 1142-7.3)
3. WATER FOR FIRE FIGHTING PURPOSES SHALL BE AVAILABLE AT THE TIME COMBUSTIBLES ARE BROUGHT ON SITE. (FFPC 1-16-4.3.1.1)
4. NEW FIRE HYDRANTS SHALL BE POSITIONED NOT MORE THAN 8 FEET NOR LESS THAN 6 FEET OFF THE EDGE OF PAVEMENT. THE CENTER LINE OF THE STEAMER CONNECTION (4 1/2") SHALL BE POSITIONED BETWEEN 18"-24" ABOVE FINISH ALL HYDRANTS SHALL BE READILY ACCESSIBLE WITHOUT THE NEED TO TRAVERSE SWALES, DITCHES, ETC (FFPC 1-18.5.2, NFPA 24-7.3)
5. PERMANENT ACCESS SHALL BE PROVIDED BY AN UNOBSTRUCTED, 20 FOOT WIDE, ALL WEATHER DRIVING SURFACE CAPABLE OF SUPPORTING A 32-TON EMERGENCY VEHICLE. THE DRIVING SURFACE SHALL BE MAINTAINED DURING ALL PHASES OF CONSTRUCTION. (FFPC 1-18-2.3.4.1.1, FFPC 1-18.2.3.4.2)
6. ALL CONTROL VALVES FOR ANY FIRE SPRINKLER SYSTEM SHALL BE ELECTRONICALLY MONITORED.

PERVIOUS CONCRETE MINIMUM MAINTENANCE SCHEDULE:

1. PERVIOUS CONCRETE MAINTENANCE AND OPERATION SHALL FOLLOW THE NATIONAL READY MIX CONCRETE ASSOCIATION GUIDE.
2. DO NOT SEAL OR RE-PAVE PERVIOUS CONCRETE WITH IMPERVIOUS MATERIALS IN PARTICULAR, NEVER USE ASPHALT OR OTHER TAR-TYPE SEALERS ON PERVIOUS CONCRETE.
3. MAINTAIN PERVIOUS CONCRETE AS FOLLOWS:
 - 3.1. AS NEEDED:
 - 3.1.1. MAINTAIN UPLAND AND ADJACENT GRASSY AREAS AS NEEDED
 - 3.1.2. SEED UPLAND AND ADJACENT BARE AREAS.
 - 3.1.3. KEEP THE PERVIOUS PAVEMENT SURFACE FREE OF SEDIMENT BY BLOWING, SWEEPING OR VACUUMING.
 - 3.1.4. EXCESSIVE WATER FLOW CARRYING DEBRIS TOWARD THE PAVEMENT SHOULD BE DIVERTED.
 - 3.2. MONTHLY: VISUALLY INSPECT PERVIOUS PAVEMENT TO ENSURE THAT IT IS:
 - 3.2.1. CLEAN OF DEBRIS
 - 3.2.1.1. DE-WATERS BETWEEN STORMS
 - 3.2.2. CLEAN OF SEDIMENTS
 - 3.3. ANNUALLY:
 - 3.3.1. INSPECT THE PERVIOUS PAVEMENT SURFACE FOR DETERIORATION OR SPALLING.



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.3.

4/19/2023

Subject:

Catherine S. Baldwin requests three variances to lot size in an RU-1-11 zoning classification. (23V00004) (Tax Account 2514632) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of Adjustment conduct a public hearing to consider three variances to lot size in an RU-1-11 (Single-Family Residential) zoning classification.

Summary Explanation and Background:

Catherine S. Baldwin requests variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1340(4), to permit a variance of 5 ft. from the required 75-foot lot width; 2.) Section 62-1340(4), to permit a variance of 10 ft. from the required 75-foot lot depth; 3.) Section 62-1340(4), to permit a variance of 3,144 sq. ft. from the required 7,500 sq.-ft. minimum lot size, in an RU-1-11 zoning classification. The property is 0.10 acres, located on the north side of West Virginia Ave., approx. 380 ft. east of S. Banana River Dr. (1850 West Virginia Ave., Merritt Island)

Clerk to the Board Instructions:



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Board of Adjustment Members
FROM: Paul Body, Planner III
Thru: Jeffrey Ball, AICP, Planning & Zoning Manager
SUBJECT: Variance Staff Comments for Wednesday, April 19, 2023
DATE: April 05, 2023

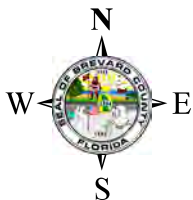
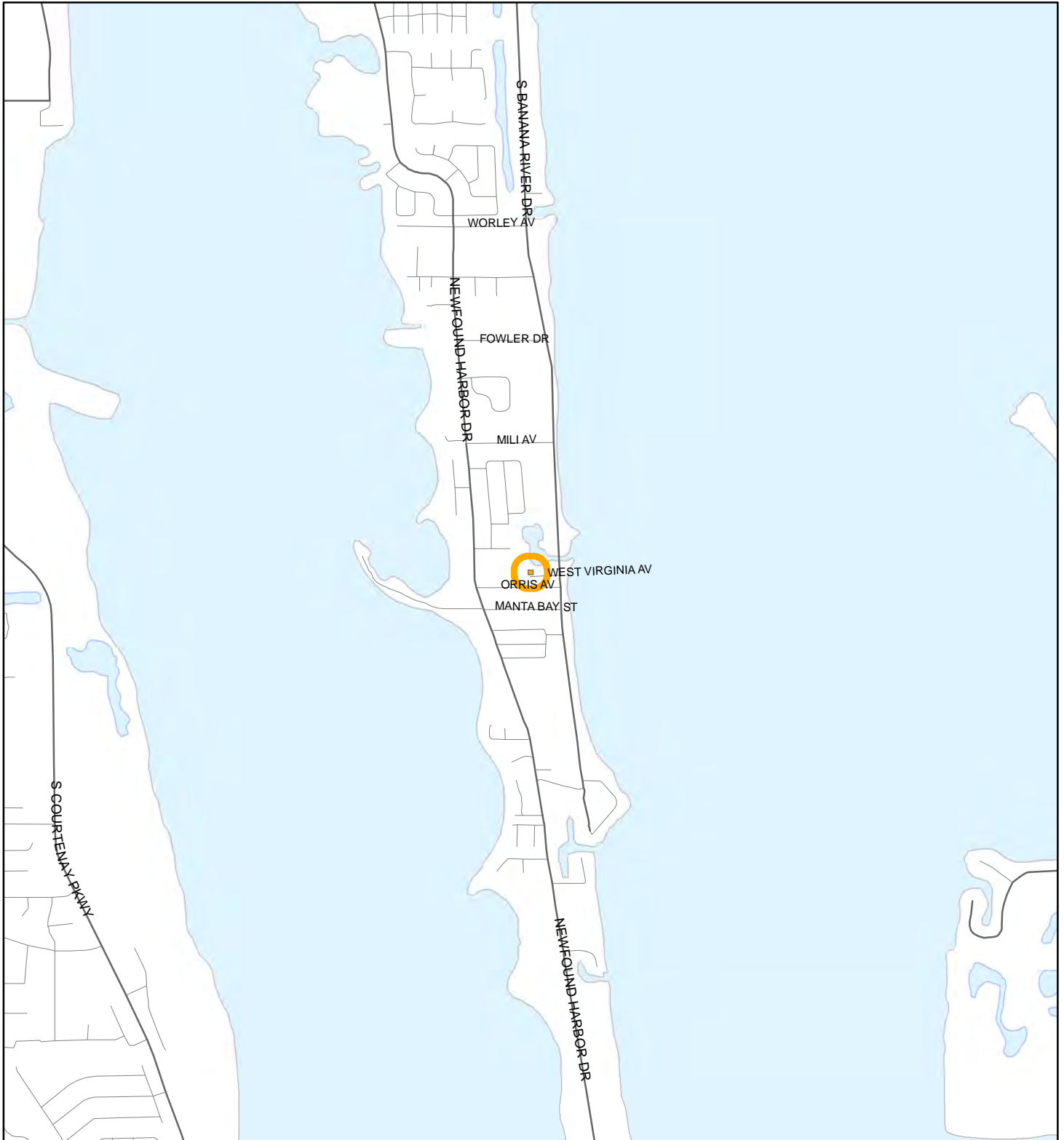
DISTRICT 2

3. (23V00004) Catherine S. Baldwin requests variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1340(4), to permit a variance of 5 ft. from the required 75-foot lot width for the RU-1-11 (Single-Family Residential) zoning classification; 2.) Section 62-1340(4), to permit a variance of 10 ft. from the required 75-foot lot depth for the RU-1-11 (Single-Family Residential) zoning classification; 3.) Section 62-1340(4), to permit a variance of 3,144 sq. ft. from the required 7,500 sq.-ft. minimum lot size, in an RU-1-11 (Single-Family Residential) zoning classification. This request represents the applicant's request to legitimize an existing lot to apply for a building permit for a replacement single-family residence. The applicant states the parcel was subdivided into its current configuration in 1978 by a previous owner and was in this configuration when she purchased the property on February 01, 1998. The first request equates to an 7% deviation of what the code allows. The second request equates to an 13% deviation of what the code allows. The third request equates to an 42% deviation of what the code allows. There is one variance to the lot width requirement in the immediate area. There are no variances to the lot depth or lot size requirement in the immediate area. There is no code enforcement action pending with the Brevard County Planning and Development Department. If the Board approves this variance, it may want to limit its approval as depicted on the survey provided by the applicant with a date of 08/29/2022.

LOCATION MAP

BALDWIN, CATHERINE S

23V00004





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 200 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

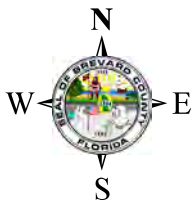
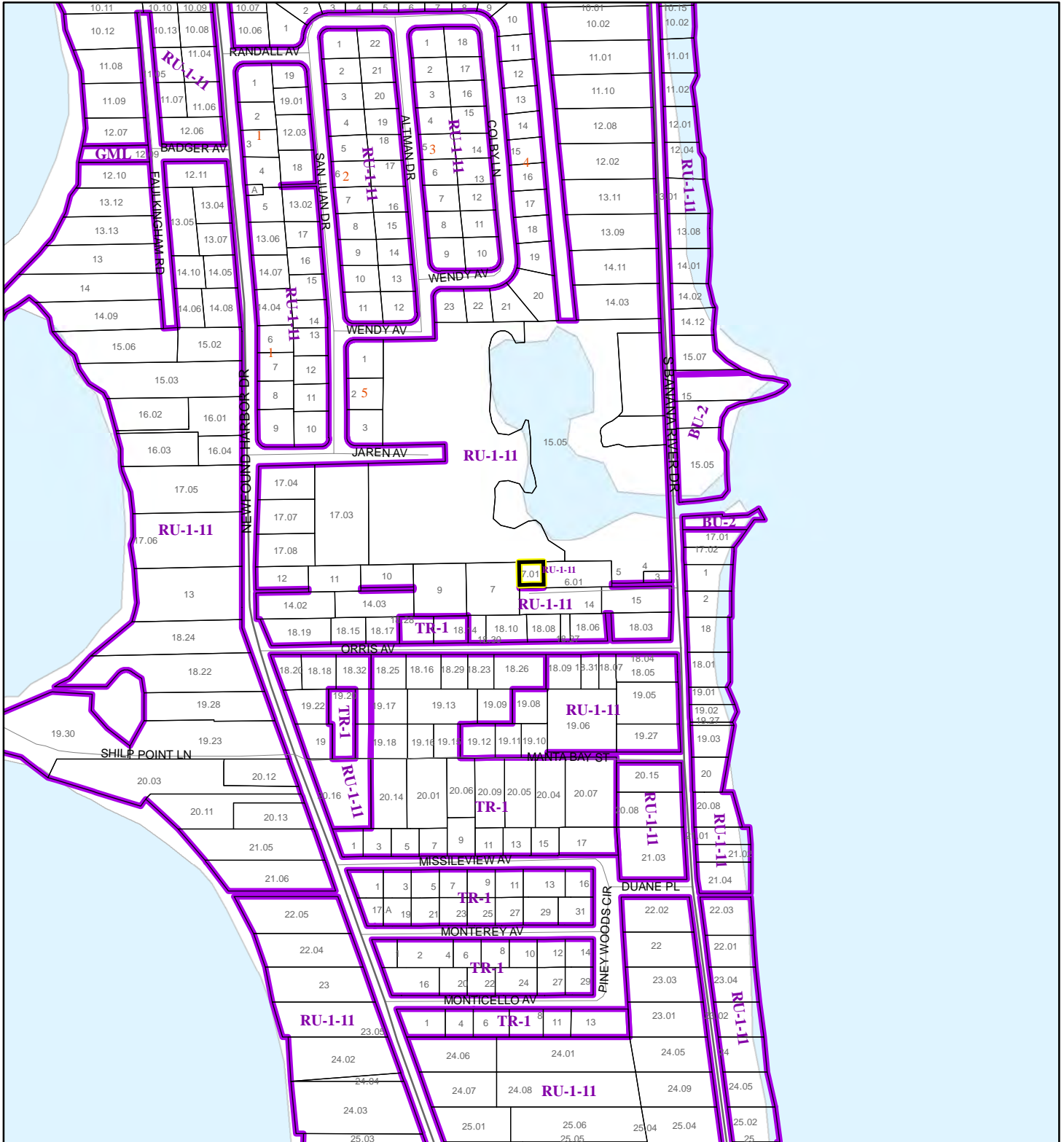
Produced by BoCC - GIS Date: 3/15/2023

-  Buffer
-  Subject Property

ZONING MAP

BALDWIN, CATHERINE S


23V00004



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/15/2023

 Subject Property

 Parcels

 Zoning

AERIAL MAP

BALDWIN, CATHERINE S

23V00004




1:600 or 1 inch = 50 feet

PHOTO YEAR: 2022

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/15/2023

 Subject Property

 Parcels

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

Yes. If Yes, indicate case number _____, and
name of contractor _____

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:

I am requesting a variance to the lot size, width & depth. I purchased the property in 1998. The current configuration is as it was at the time of purchase. I was not aware that the lot was undersized for its zoning requirement.

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

I purchase the property in its current configuration.

(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:

I have lived in this home since 1998. I am not requesting any special privileges, I just want to have my home rebuilt that was damaged during Hurricane Irma.

(over)



(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:

This is my primary residence that I have owned since 1998.
Rebuild Florida is helping me to rebuild my home, however, the
building cannot be approved unless this variance is approved.

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

RM-1-11 requires 7500 square feet lot size - my lot is 4,356.
Lot width required = 75' - my lot is 90'
Lot depth required = 75' - my lot depth is 65' + 10' subject to ROW

(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:

Rebuild Florida will build the home to meet current setbacks
within the existing lot size. Rebuilding my home will not cause
injurious to the area or cause detriment to public welfare.

I understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by the below-signed zoning representative. I am fully aware that it is my responsibility to prove complete compliance with the aforementioned criteria.

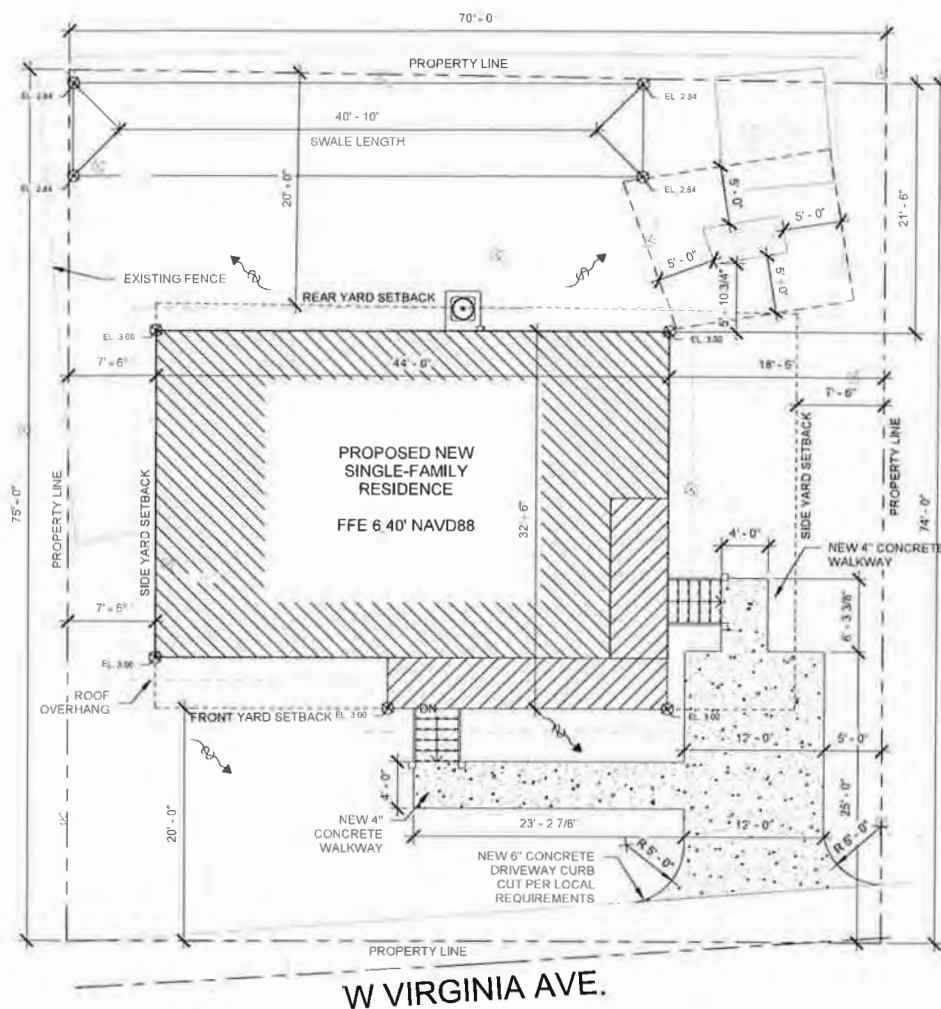
Signature of applicant

Catherine S. Baldwin

Signature of planner

Pauli Hillman

Surveys
23V00004



1 SITE PLAN
1/8" = 1'-0"

**REVIEWED FOR
CODE COMPLIANCE**
UNIVERSAL ENGINEERING SCIENCES

- GENERAL SITE PLAN NOTES:**
- 1 ALL PAVEMENT IN PUBLIC RIGHT OF WAY SHALL MEET THE DETAILS AND REQUIREMENTS OF THE LOCAL AUTHORITY HAVING JURISDICTION.
 - 2 ALL CURB CUTS AND DRIVEWAY APRONS SHALL MEET THE DETAILS AND REQUIREMENTS OF THE LOCAL AUTHORITY HAVING JURISDICTION.
 - 3 ALL SIDEWALKS WITHIN THE PROPERTY BOUNDARY TO BE 4" THICK, 4000 PSI W/ 6x6-W2 9xW2 9 WWF, AND SHALL RECEIVE BROOM FINISH 90 DEG TO THE DIRECTION OF TRAVEL.
 - 4 ALL DRIVEWAYS WITHIN THE PROPERTY BOUNDARY TO BE 6" THICK, 4000 PSI W/ 6x6-W2 9xW2 9 WWF, AND SHALL RECEIVE BROOM FINISH 90 DEG TO THE DIRECTION OF TRAVEL.
 - 5 SLOPE ALL CONCRETE PAVING AWAY FROM BUILDING AT 1% MINIMUM.
 - 6 SLOPE ALL CONCRETE WALKS AWAY FROM BUILDING AT 2% MAXIMUM.
 - 7 SLOPE ALL FINAL GRADING AWAY FROM BUILDING TO ENSURE POSITIVE DRAINAGE.
 - 8 MAXIMUM SLOPE FOR LANDSCAPED AREAS IS 25%.
 - 9 LAY NEW SOD TO COVER ALL AREAS OF YARD DISTURBED BY CONSTRUCTION ACTIVITIES.
 - 10 SLOPE ALL CONCRETE PAVING AWAY FROM BUILDING AT 1% MINIMUM.
 - 11 SLOPE ALL CONCRETE WALKS AWAY FROM BUILDING TO ENSURE POSITIVE DRAINAGE.
 - 12 LAY NEW SOD TO COVER ALL AREAS OF YARD DISTURBED BY CONSTRUCTION ACTIVITIES. SOD MUST BE BAHIA, ZOYSIA, OR BERMUDA, EXCEPT FOR MONROE COUNTY WHERE ALL DISTURBED AREAS SHALL BE LIMESTONE.
 - 13 SITE GRADING PLAN BASED ON AVAILABLE SURVEY DATA. EXISTING DRAINAGE PATTERNS TO BE CONFIRMED IN FIELD BY THE CONTRACTOR.
 - 14 CONTRACTOR SHALL REGRADE SITE IMMEDIATELY ADJACENT TO THE NEWLY CONSTRUCTED HOUSE TO PROVIDE POSITIVE DRAINAGE AWAY FROM THE FOUNDATION OF THE HOME.
 - 15 THE CONTRACTOR SHALL NOT ALTER SITE DRAINAGE PATTERNS IN A WAY THAT DIRECTS ADDITIONAL FLOWS ONTO ADJACENT PROPERTIES.
 - 16 UTILITY TIE-IN LOCATIONS ARE BASED ON LIMITED FIELD DATA. CONTRACTOR TO VERIFY SEWER AND WATER TIE-IN LOCATIONS IN FIELD AND NOTIFY ENGINEER OF ANY DISCREPANCY.

SITE AREA: 5,215 SF

NEW IMPERVIOUS AREA:

NEW HOME WITH 2' ROOF OVERHANG	1,665 SF
EXISTING SHED	86 SF
NEW STAIRS	45 SF
NEW CONCRETE	420 SF
TOTAL:	2,216 SF

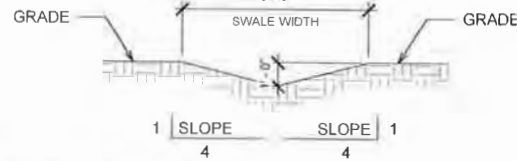
% NEW IMPERVIOUS AREA: 42.49 %
% NEW PERVIOUS AREA: 57.51 %

SITE PLAN LEGEND

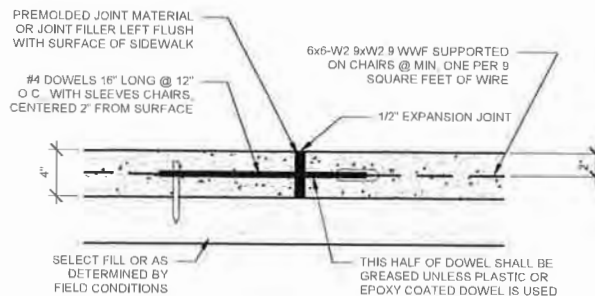
- EXISTING GRADE
- PROPOSED GRADE
- MATCH EXISTING GRADE
- FINISH FLOOR ELEVATION
- LOW POINT OF SWALE
- SLOPE ARROW

FFE INFORMATION:

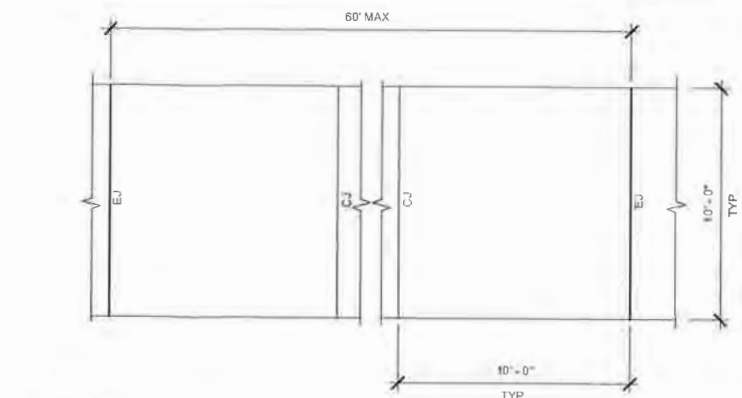
FLOOD ZONE:	AE
FEMA BASE FLOOD ELEVATION:	3.00' NAVD88
HIGHEST ADJACENT GRADE:	2.90' NAVD88
CROWN OF THE ROAD:	3.23' NAVD88
PROPOSED FFE:	6.40' NAVD88



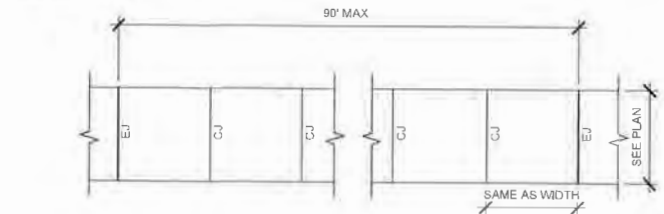
10 RETENTION SWALE SECTION
1/4" = 1'-0"



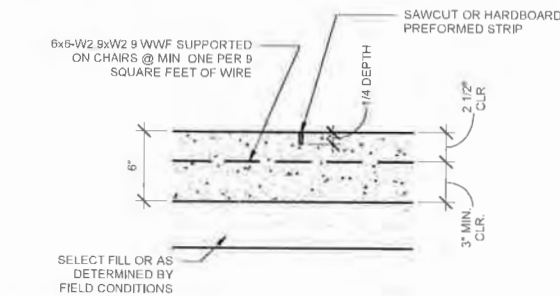
8 SIDEWALK EXPANSION JOINT (E.J.)
1 1/2" = 1'-0"



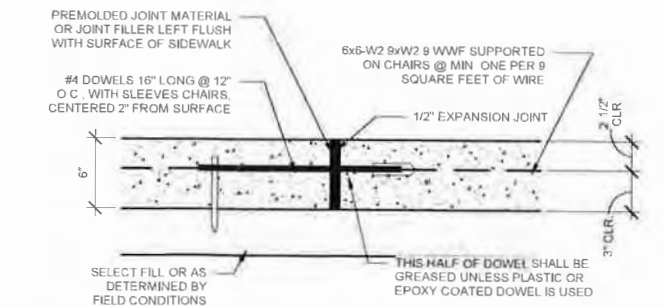
2 CONCRETE DRIVEWAY
1/4" = 1'-0"



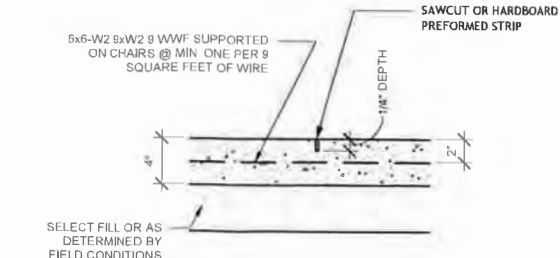
3 CONCRETE SIDEWALK
1/4" = 1'-0"



4 DRIVEWAY CONTROL JOINT (C.J.)
1 1/2" = 1'-0"



5 DRIVEWAY EXPANSION JOINT (E.J.)
1 1/2" = 1'-0"



7 SIDEWALK CONTROL JOINT (C.J.)
1 1/2" = 1'-0"

No.	Description	Date

ROYAL ENGINEERS & CONSULTANTS
4288 ELYSIAN FIELDS AVENUE
SUITE B
NEW ORLEANS, LA 70122
(504) 293-9400
www.royalengineering.net

ID-011726 BALDWIN 3 BR

REBUILD FLORIDA
1650 W Virginia Ave
Merritt Island, FL 32952

SITE PLAN & DETAILS

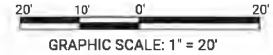
Project Number:	2018-15
Date:	04/28/2022
Drawn By:	SM
Checked By:	JP
FOR CONSTRUCTION	



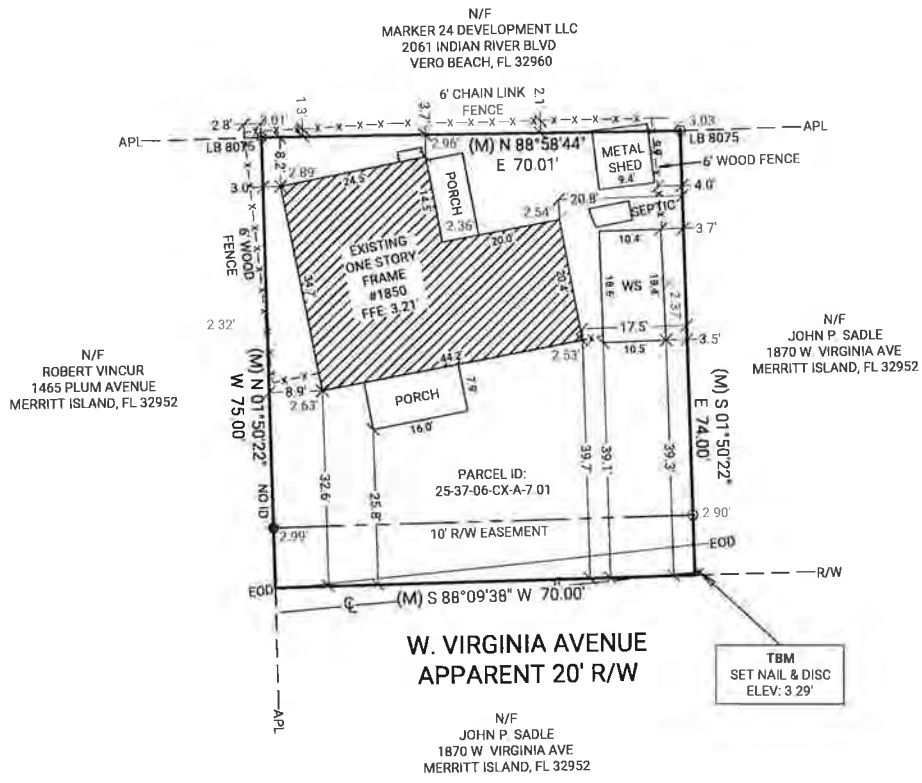
C-1

12

ADDRESS: 1850 WEST VIRGINIA AVENUE, MERRITT ISLAND, FL 32952
 BEING A 0.120 ACRE PARCEL OF LAND, MORE OR LESS, LOCATED IN SECTION 6, T25S-R37E,
 BREVARD COUNTY, FLORIDA. ENTRY #844407.
 AREA: 5,215 S.F. ~ 0.120 ACRES



TREE LEGEND	
	OAK
	PINE
	PALM
	UNKNOWN
	PECAN



GENERAL NOTES

- 1 Bearings shown hereon are based Florida State Plane West Zone (0902) derived from static GPS observations recorded on 12/01/2021
- 2 Elevations shown hereon are based on NAVD 88 GEOID-12A derived from static GPS observations recorded on 12/01/2021 (Conversion to NGVD 29= +1.17 ft)
- 3 This property lies within flood zone "AE-3" according to FEMA FIRM #: 12099C0435H, effective on 01/29/2021
- 4 This plat has been calculated for closure and is found to be accurate within one foot in 10,000+ feet

PT Point of Tangency	TBM Temporary Benchmark	LAN Lanai	TOF Top of Form	○ Rebar to be set
PI Point of Intersection	PP Power Pole	S Stoop	BL Building Line	● Set 1/2" Rebar (LB#8075)
PC Point of Curvature	CR Community Riser	CP Covered Patio	R/W Right of Way	⊙ Found 1" Open Top Pipe
M Measured	ID Identification	DE Drainage Easement	SF Square Feet	⊙ Set Mag Nail
P Platted	X Fence	UE Utility Easement	APL Approximate Property Line	⊙ Found Mag Nail
A/C Air Conditioning	TPED Telephone Pedestal	PROP Proposed	EOP Edge of Pavement	⊙ Not To Scale
CONC Concrete	SS Stop Sign	FFE Finished Floor Elevation	—C— Center Line	→ Drainage Flow

PARCEL ID: 25-37-06-CX-A-7.01

Section 6, Township 25 South,
 Range 37 East,
 Brevard County, Florida

BOUNDARY AND TOPOGRAPHIC SURVEY FOR:

ROYAL ENGINEERS & CONSULTANTS

FIELD WORK DATE: 12/01/2021
 PLAT DATE: 12/06/2021

20211105323 ROYAL FC: CE

CARTER + CLARK

SURVEYORS ■ PLANNERS ■ ENGINEERS

237 Aucilla Road
 Monticello, FL 32344
 www.carterandclark.com
 LICENSED BUSINESS # 8075

Carter & Clark Land Surveyors is unable to warrant the accuracy of boundary information, structures, easements, and buffers that are illustrated on the subdivision plat. This property may be subject to additional easements or restrictions of record. Adjoiners shown are per plat of record. The existence of utilities within utility easements have not been field verified by surveyor. Contact utility contractor for location prior to construction (if applicable). Dimensions from house to property lines should not be used to establish fences. This plat is for exclusive use by client. Use by third parties is at their own risk. The field data upon which this plat is based has a closure precision of one foot in 10,000+ feet and an angular error of 7 seconds per angle point and was adjusted using the compass rule. Equipment used: Leica Total Station- 12. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without the written consent of the signing party or parties.

PROFESSIONAL SURVEYOR & MAPPER IN RESPONSIBLE CHARGE

CHRISTOPHER WAYNE CLARK, FLORIDA
 CERTIFICATE NO. LS 7135

Christopher Wayne Clark
 W. Clark

This item has been electronically signed and sealed by Christopher Clark, PLSM on 12/06/2021 using a digital signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

I HEREBY CERTIFY THAT THE BOUNDARY SURVEY DEPICTED HEREON WAS CONDUCTED BY PERSONS UNDER MY DIRECT SUPERVISION AND MEETS OR EXCEEDS THE STANDARDS OF PRACTICE ESTABLISHED BY THE STATE OF FLORIDA AS OUTLINED IN SJ 17 FAC.



Catherine Baldwin
1850 West Virginia Ave., Merritt Island 32952
Tax account #2514632
Parcel #: 25-37-06-CX-A-7.01

Applied for new SFR building permit (22BC11209) to rebuild home that was damaged by Hurricane Irma (with financial assistance through Rebuild Florida). Currently in deficiency due to zoning non-conformity.

Current zoning: RU-1-11
Current FLU: RES 4
Lot area: ~5,250 s.f.
Lot dimensions: 70' x 75' x 70' x 74'

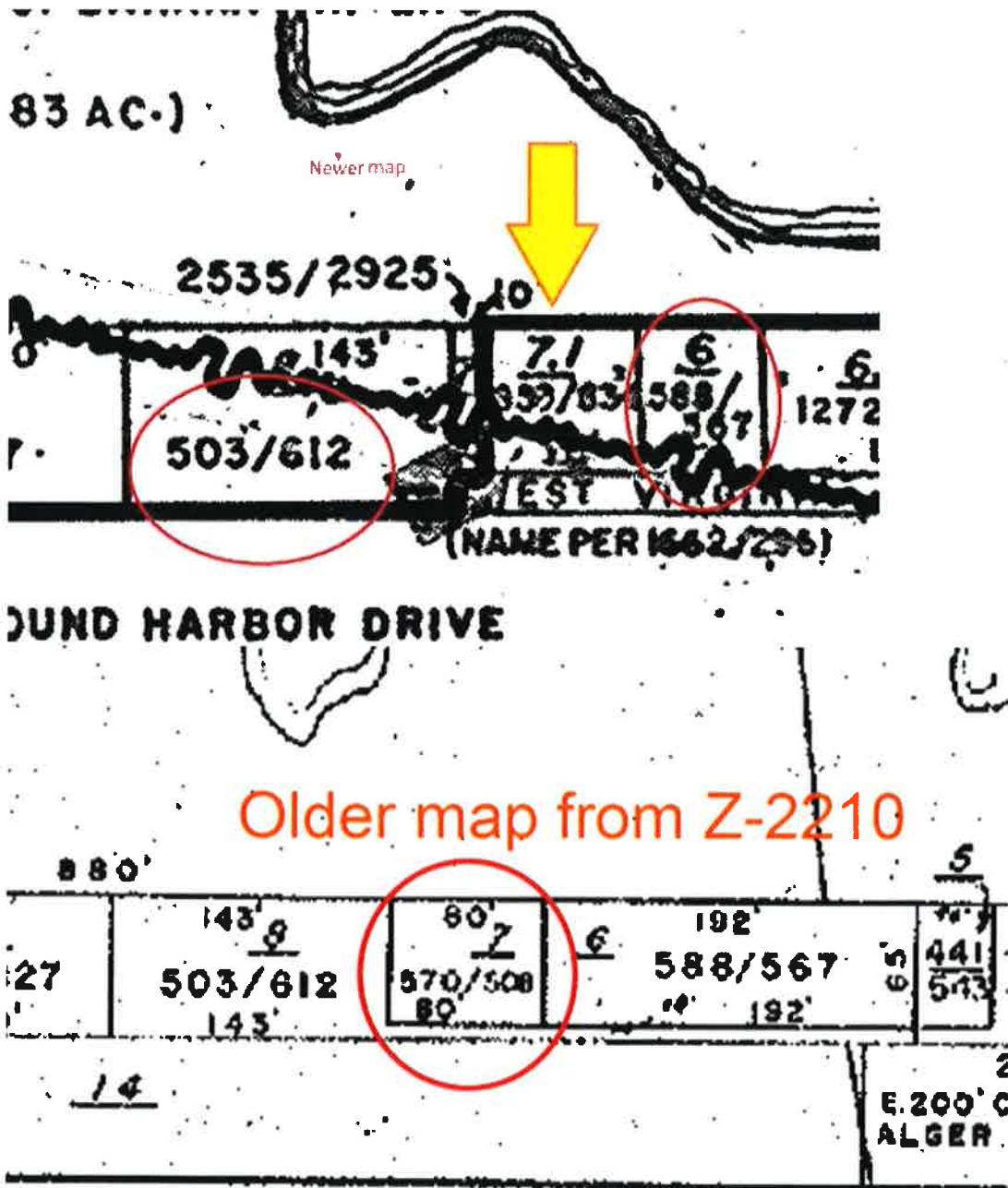
History:

- 2009 – Admin. FLU change: RES 15 to RES 4 (Amendment 2009-1)
- 1998 – Current Deed – ORB 3801/1034, 2/24/1998 (70'x75'x70'x74', subject to ROW south 10')
- 1978 – Deed: ORB 1959/834, 10/1/1978 (70'x75', subject to ROW south 10') (5,250 s.f. lot size)
- 1972 - Admin. Rezoned RU-1 to RU-1-11: Z-2980, 6/1/1972
- 1968 - Admin. Rezoned GU to RU-1: Z-2210, 2/1/1968
- 1960 – Assessor's Plat (shows parcel as 80'x65' (5,200 s.f) and references 570/508)
- 1959 - House constructed (per Property Appraiser records)
- 1958 – Zoning established as GU

Hart, Jane

From: Ritchie, George C
Sent: Tuesday, September 27, 2022 1:39 PM
To: Hart, Jane; Ball, Jeffrey
Subject: Account: 2514632

Looks like the house was placed upon the lot first and then split out as an independent lot later. October 1978 date identified for lot creation as lot area was reduced from 80' width to current 70' width.





Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.4.

4/19/2023

Subject:

Clearlake Commercial Center, Inc. (Jennifer Altreche) requests two variances for a structure in a BU-2 zoning classification. (23V00007) (Tax Account 2424131) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of Adjustment conduct a public hearing to consider two variances for a structure in a BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classification.

Summary Explanation and Background:

Clearlake Commercial Center, Inc. (Jennifer Altreche) requests variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1483(5)(a)(4)(b), to permit a variance of 2.24 ft. from the required 5-ft. side (north) setback for a structure; 2.) Section 62-1483(5)(a)(4)(f), to permit a variance of 0.22 ft. from the required 25-ft. side street (south) setback for a structure, in a BU-2 zoning classification. The property is 2.20 acres, located on the northeast corner of Clearlake Rd., and West Peachtree St. (300 & 310 Clearlake Rd., Cocoa)

Clerk to the Board Instructions:



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Board of Adjustment Members
FROM: Paul Body, Planner III
Thru: Jeffrey Ball, AICP, Planning & Zoning Manager
SUBJECT: Variance Staff Comments for Wednesday, April 19, 2023
DATE: April 05, 2023

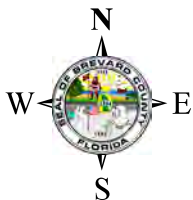
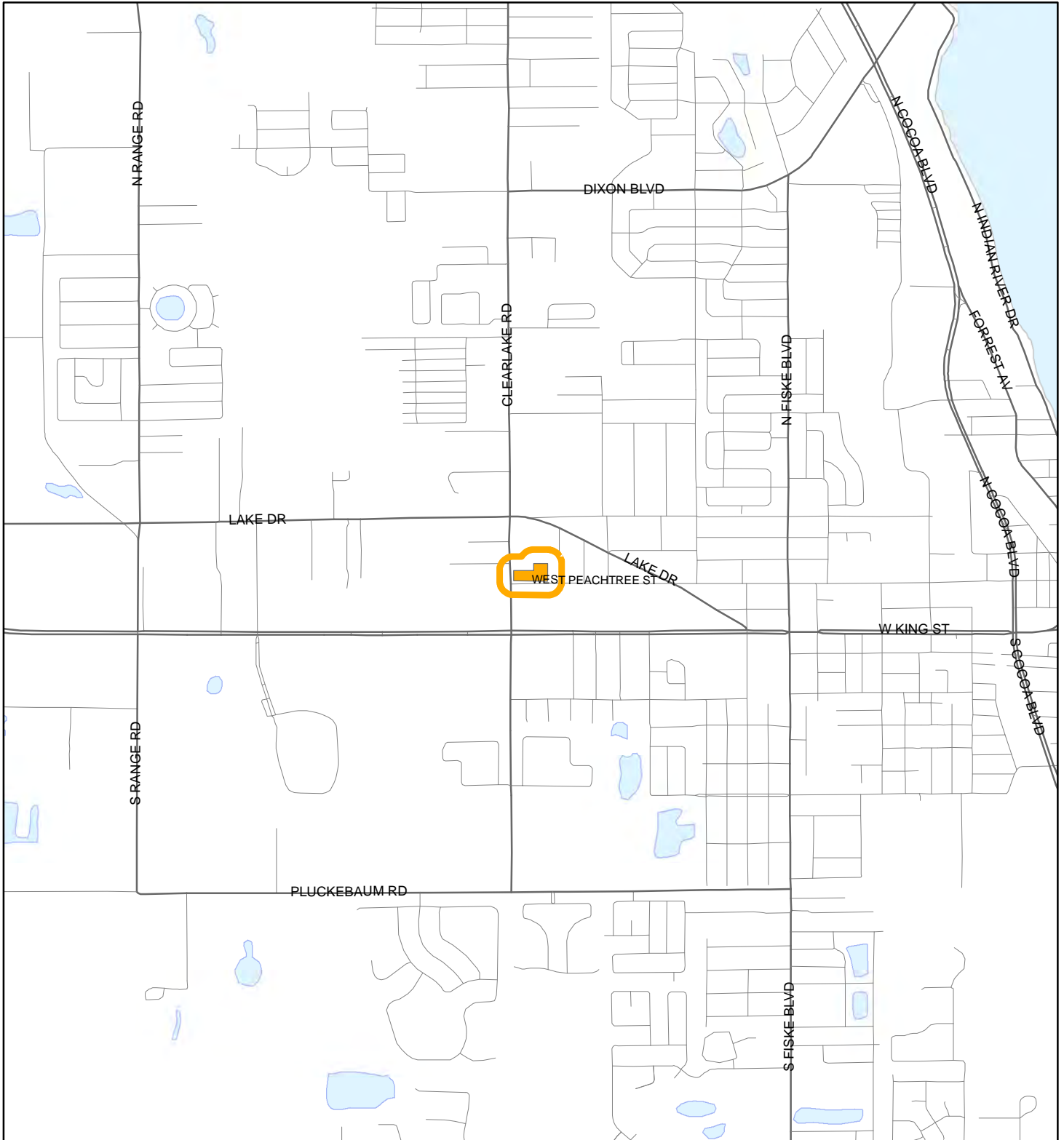
DISTRICT 2

4. (23V00007) Clearlake Commercial Center, Inc. (Jennifer Altreche) requests variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1483(5)(a)(4)(b), to permit a variance of 2.24 ft. from the required 5-ft. side (north) setback for a structure; 2.) Section 62-1483(5)(a)(4)(f), to permit a variance of 0.22 ft. from the required 25-ft. side street (south) setback for a structure, in a BU-2 (Retail, Warehousing, and Wholesale Commercial) zoning classification. This request represents the applicant's request to legitimize an existing structure (commercial building). The applicant states that the building was built in 1973 by a previous owner and was in this configuration when they purchase the parcel in 1984. The first request equates to an 45% deviation of what the code allows. The second request equates to an 1% deviation of what the code allows. There are no variances to the setback requirements in the immediate area. There is no code enforcement action pending with the Brevard County Planning and Development Department. If the Board approves this variance, it may want to limit its approval as depicted on the survey provided by the applicant with a date of 01/18/2023.

LOCATION MAP

CLEARLAKE COMMERCIAL CENTER INC

23V00007



1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 200 feet

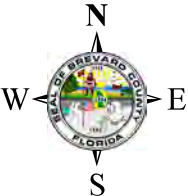
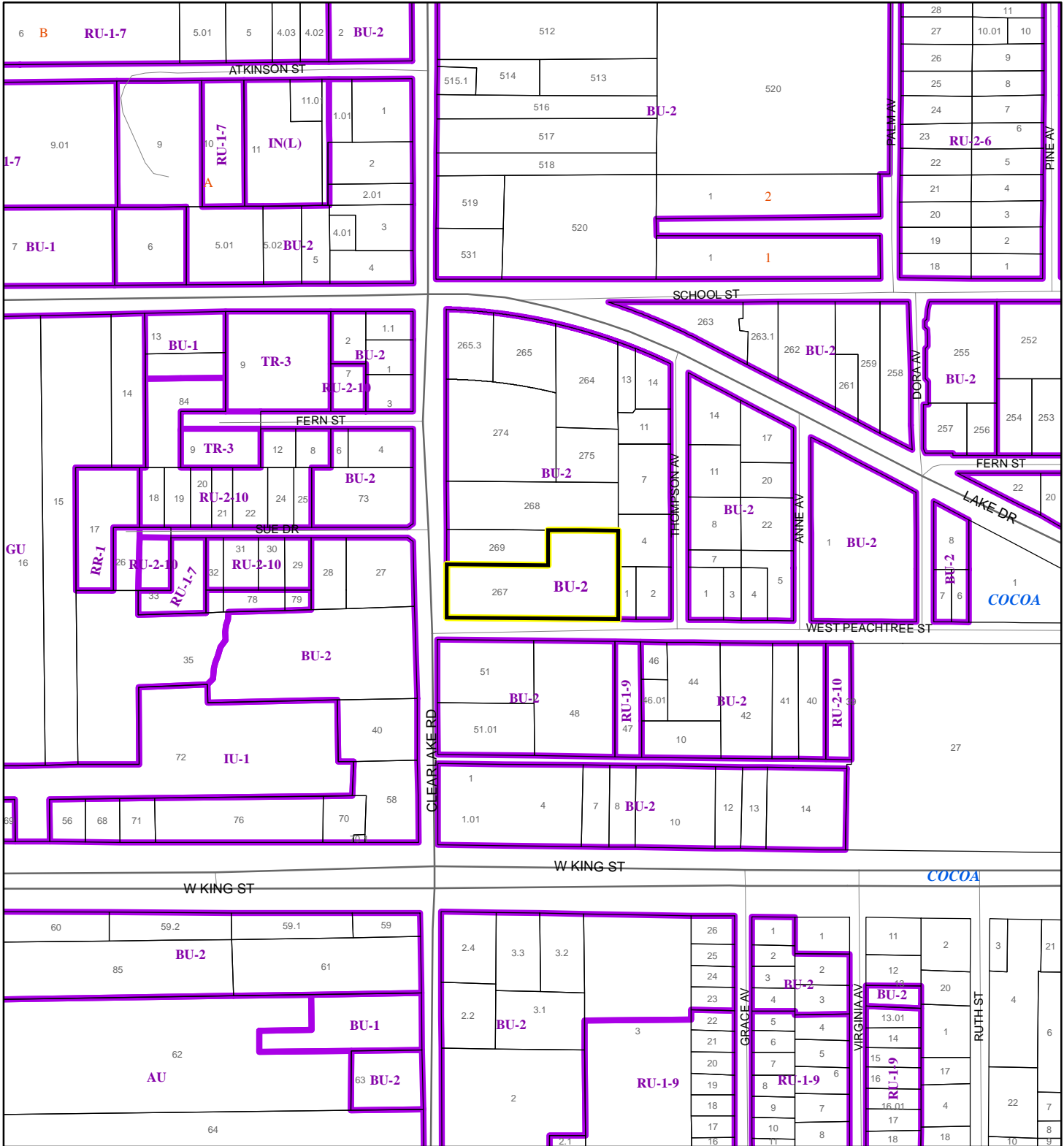
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/15/2023

- Buffer
- Subject Property

ZONING MAP

CLEARLAKE COMMERCIAL CENTER INC
23V00007



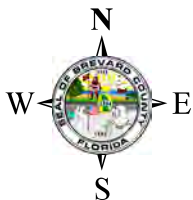
1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/1/2023

- Subject Property
- Parcels
- Zoning

AERIAL MAP
CLEARLAKE COMMERCIAL CENTER INC
23V00007





1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2022

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/15/2023

 Subject Property
 Parcels



BOARD OF COUNTY COMMISSIONERS

Planning and Development

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321) 633-2070 Phone

VARIANCE HARDSHIP WORKSHEET

Is the variance request due to a Code Enforcement action: Yes No

If yes, please indicate the case number and the name of the contractor:

Case Number: _____

Contractor: N/A

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:

Et.

The structure was built on the property in 1973, during that time it is possible, and likely, that Brevard County setback requirements were different or that the surveying methods used at the time indicated conformity where a recent survey indicates a minor encroachment. Despite there being no apparent record of permits, there is also no historical record of any code enforcement violation for failure to obtain permits.

2. That the special conditions and circumstances do not result from the actions of the applicant.

Applicant Response:

Clearlake Commercial Center Inc., purchased the property in 1984 with the existing structures in place. The applicant had not needed to pull permits or survey the property since then and was unaware of the minor encroachments which would have arisen from the prior owner's construction of the 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:

The applicant is asking for a variance for a minor encroachment. Several neighboring properties have structures directly on or proximate to the lot lines, well-within the setbacks set by the County. Granting the variance is thus not a special privilege to the owner.

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 would deprive the owner rights commonly enjoyed by other properties such as, the right to rely on four decades of apparent nonconforming use, enjoyment of structures in place for over four decades, the right to convey the property free of clouded title due to encroachments, and the right to use the building as it was originally intended.

A denial would cause a hardship to the owner. Compliance would require the Owner to demolish the building or to demolish a portion of the structure, exposing an exterior wall. Removal of the building would require additional funds, and time to re-engineer, replace structure beams to meet the original variance setback. The Owner will further have a loss of property value due to the removal of the structure or a portion thereof. This structure has been in place for over 40 years and would have a major impact on the base footprint of the building and structural integrity causing further hardship on the owner.

The building identified as 300 Clearlake Road, Cocoa, FL 32922 is encroaching approximately 2.24' into the setback requirements.

The building identified as 310 Clearlake Road, Cocoa, FL 32922 is encroaching approximately 0.22' into the setback 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 encroachment for Building 300 is 2.24 feet. Taking the survey's accuracy tolerance into consideration, a variance for 3 feet would be the minimum variance required to make possible the reasonable use of this land, building or structure.

The encroachment for Building 310 is 0.22 feet. Taking the survey's accuracy tolerance into consideration, a variance for 1 foot would be the minimum variance required to make possible the reasonable use of this land, building or structure.

6. That the granting of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.


Applicant Response:

The structures have been in existence for more than 40 years without complaint, code enforcement violation, or harm to the neighbors or the public at large. There is no foreseeable harm or injury that could rise from the approval of a minor variance from the setback.

I fully understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by a Planning and Development representative. I am fully aware it is my responsibility to prove complete compliance with the aforementioned criteria.



Signature of Applicant



Signature of Planner

ALTA BOUNDARY SURVEY

23V00007
Clearlake Commercial

EASEMENTS

1. THERE ARE NO EASEMENTS LISTED IN THE PUBLIC RECORDS THAT EFFECT THIS PROPERTY ACCORDING TO THE TITLE COMMITMENT NUMBERED SL-22-825.

LEGAL DESCRIPTION: SCHEDULE A

PARCEL I

COMMENCE AT THE NORTHWEST CORNER OF SECTION 32, TOWNSHIP 24 SOUTH, RANGE 36 EAST, AND RUN SOUTH 0°23'56" EAST ALONG THE WEST LINE OF SAID SECTION 32 A DISTANCE OF 774.60 FEET; THENCE RUN EAST A DISTANCE OF 40 FEET TO THE EAST RIGHT-OF-WAY OF CLEARLAKE ROAD AND THE POINT OF BEGINNING; THENCE FOR A FIRST COURSE CONTINUE EAST A DISTANCE OF 290.00 FEET; THENCE FOR A SECOND COURSE RUN SOUTH 0°23'56" EAST PARALLEL TO SAID CLEARLAKE ROAD A DISTANCE OF 157.39 FEET TO THE NORTH RIGHT-OF-WAY OF PEACHTREE STREET; THENCE FOR A THIRD COURSE RUN NORTH 89°48'30" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 290.00 FEET TO THE EAST RIGHT-OF-WAY OF CLEARLAKE ROAD; THENCE FOR A FOURTH AND FINAL COURSE RUN NORTH 0°23'56" WEST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 156.36 FEET TO THE POINT OF BEGINNING. ALL BEING AND LYING IN THE NW 1/4 OF THE NW 1/4 OF SECTION 32, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA.

PARCEL II

A PART OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 32, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA,

DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 32; THENCE RUN SOUTH 0°13'7" WEST, ALONG THE WEST LINE OF SAID SECTION 32, A DISTANCE OF 536.95 FEET; THENCE RUN SOUTH 89°28'16" EAST A DISTANCE OF 270.08 FEET; THENCE RUN SOUTH 0°03'13" EAST, A DISTANCE OF 137.27 FEET; THENCE RUN SOUTH 89°28'16" EAST A DISTANCE OF 165.04 FEET TO THE POINT OF BEGINNING; THENCE FOR A FIRST COURSE RUN SOUTH 0°03'13" EAST, A DISTANCE OF 250.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF PEACHTREE STREET; THENCE FOR A SECOND COURSE RUN SOUTH 89°28'16" EAST ALONG THE SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 100.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF PINE PARK SUBDIVISION AS RECORDED IN PLAT BOOK 9, PAGE 17, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; THENCE RUN NORTH 0°03'13" WEST ALONG SAID WEST LINE OF PINE PARK SUBDIVISION A DISTANCE OF 250.00 FEET; THENCE FOR A FOURTH AND FINAL COURSE RUN NORTH 89°28'16" WEST A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

PARCEL III

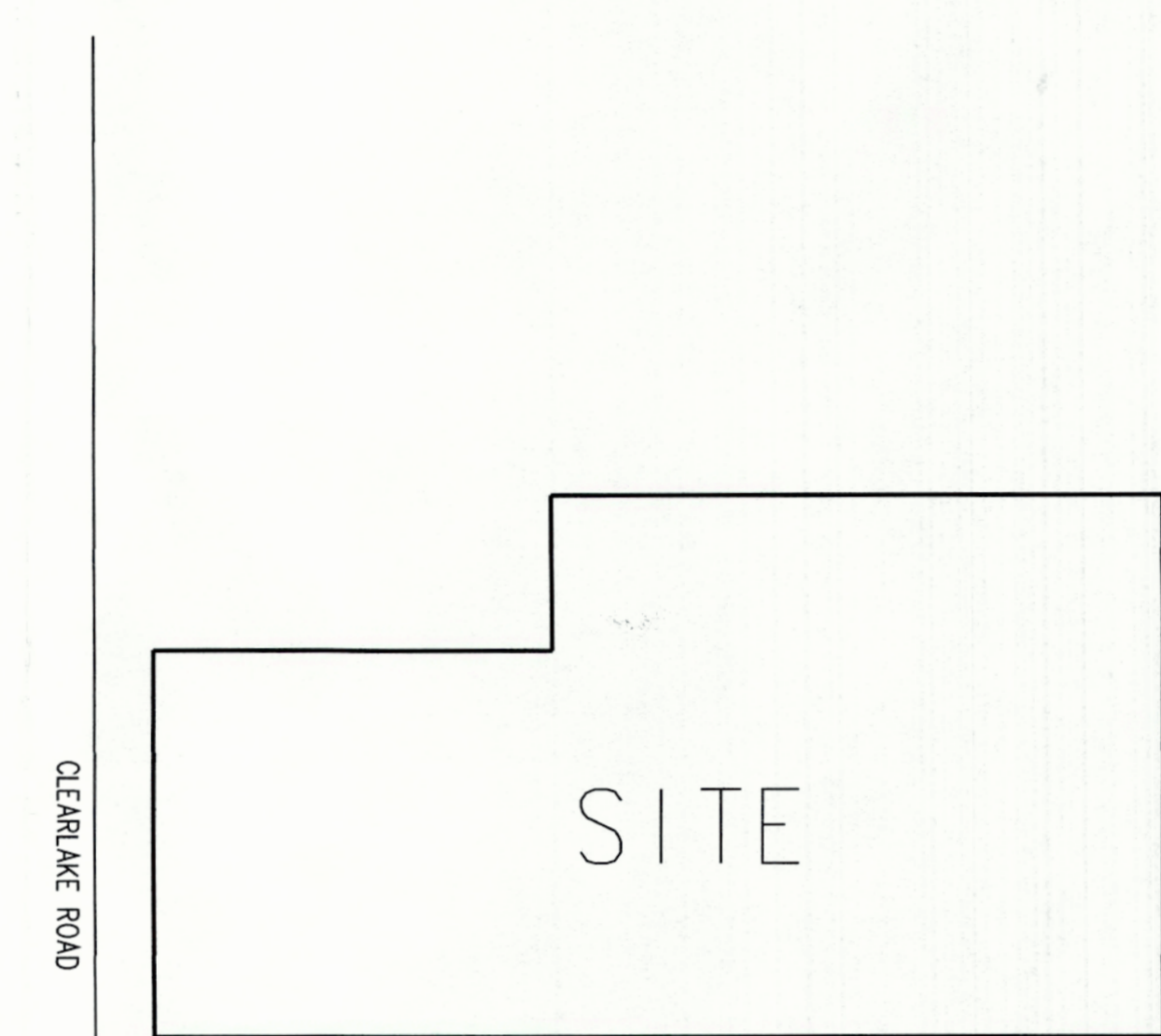
A PART OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 32, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA

DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 32; THENCE RUN SOUTH 0°13'07" WEST, ALONG THE WEST LINE OF SAID SECTION 32, A DISTANCE OF 536.95 FEET; THENCE RUN SOUTH 89°28'16" EAST A DISTANCE OF 270.08 FEET; THENCE RUN SOUTH 0°03'13" EAST A DISTANCE OF 137.27 FEET; THENCE RUN SOUTH 89°28'16" EAST A DISTANCE OF 65.04 FEET TO THE POINT OF BEGINNING; THENCE FOR A FIRST COURSE RUN SOUTH 0°03'13" EAST, A DISTANCE OF 250.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF PEACHTREE STREET; THENCE FOR A SECOND COURSE RUN SOUTH 89°28'16" EAST ALONG THE SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 100.00 FEET; THENCE RUN NORTH 0°03'13" WEST A DISTANCE OF 250.00 FEET; THENCE FOR A FOURTH AND FINAL COURSE RUN NORTH 89°28'16" WEST A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

ALL CONTAINING 95,354.76 SQUARE FEET
AND 2.189 ACRES +/-

VICINITY MAP NOT TO SCALE



SURVEYORS NOTES:

- UNLESS OTHERWISE NOTED ONLY PLATTED EASEMENTS ARE SHOWN HEREON.
- ALL LOT DIMENSIONS SHOWN ARE PER PLAT UNLESS OTHERWISE SHOWN.
- NO UNDERGROUND UTILITIES OR IMPROVEMENTS WERE LOCATED UNLESS OTHERWISE SHOWN.
- THIS SITE LIES WITHIN FLOOD INSURANCE RATE MAP ZONE X MAP# 1200900425 G DATED: 3-17-14.
- FLOOD ZONE SHOWN HEREON IS AN INTERPRETATION BY THE SURVEYOR AND IS PROVIDED AS A COURTESY. THE FLOOD ZONE SHOULD BE VERIFIED BY A DETERMINATION AGENCY.
- BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF SECTION 32 AS BEING S00°40'47"E ACCORDING TO THE PLAT DESCRIBED HEREON.
- THE ACCURACY OF THIS SURVEY IS PREMISED ON THE EXPECTED USE OF THE SURVEY. THE EXPECTED USE/PURPOSE OF THIS SURVEY IS FOR ALTA/ACSM. ACCURACY=1 FOOT IN 7,500 FEET OR BETTER.
- ADDITIONS OR DELETIONS TO THIS SURVEY MAP BY ANYONE OTHER THAN THE SIGNING SURVEYOR IS PROHIBITED WITHOUT WRITTEN CONSENT.

ZONING AND SETBACKS

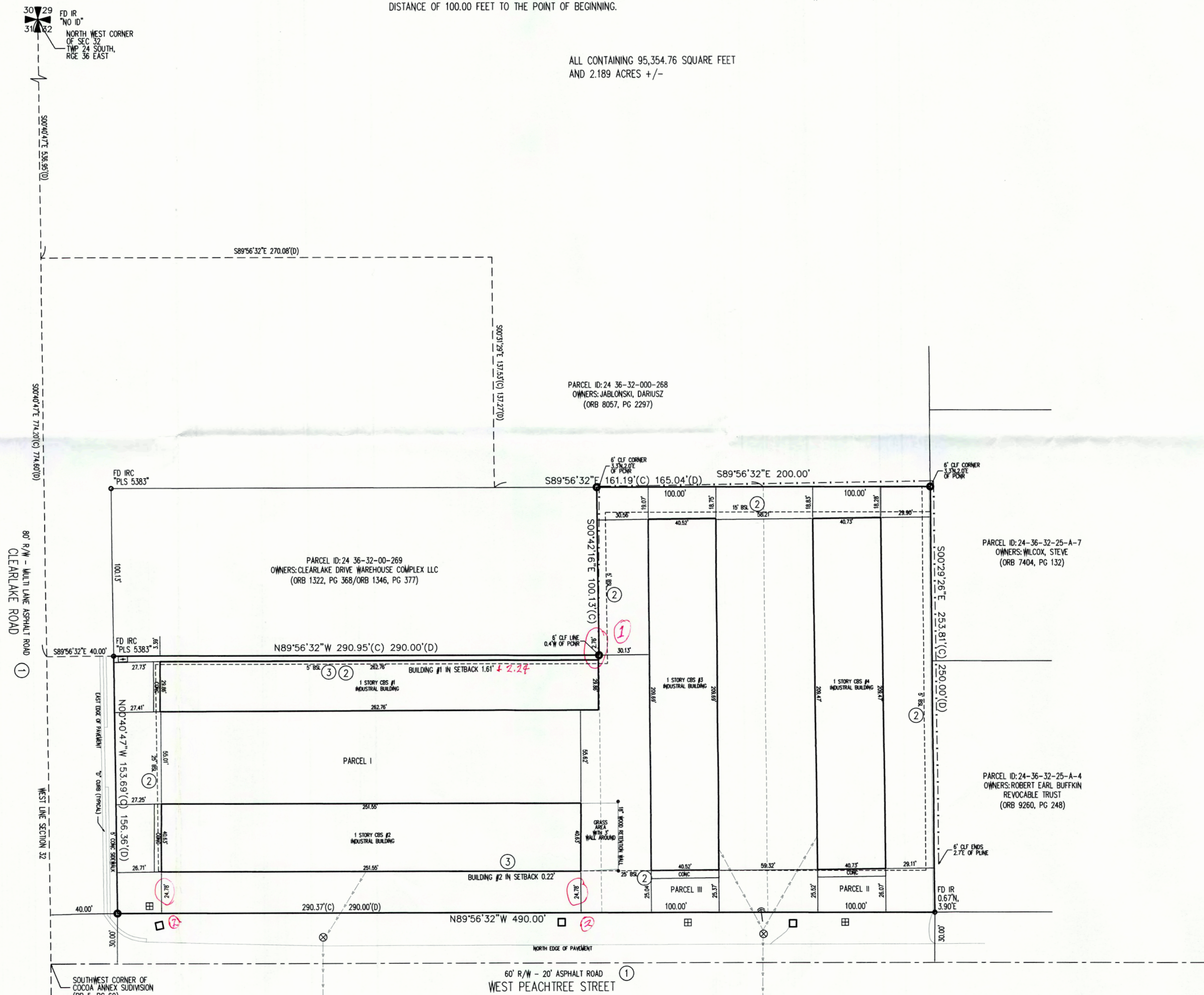
PROPERTY ZONING = BU-2/ RETAIL WAREHOUSING & WHOLESALE COMMERCIAL

PROPERTY BUILDING SETBACKS

- FRONT SETBACK = 25 FEET (2)
- SIDE SETBACK = 5 FEET (2)
- REAR SETBACK = 15 FEET (2)

ABBREVIATIONS AND LEGEND

- ▲ = CALCULATED POSITION "PCP"
- = FOUND 5/8 IRON REBAR & CAP
- = SET 5/8 IRON REBAR AND YELLOW CAP MARKED "PSM5543"
- R/W = RIGHT OF WAY
- PB = PLAT BOOK
- PG = PAGE
- ORB = OFFICIAL RECORD BOOK
- R/W = RIGHT OF WAY
- (M) = MEASURED
- (P) = PLAT
- (C) = CALCULATED
- (R) = RADIUS OF CURVE
- L = LENGTH OF CURVE
- D = DELTA OF CURVE
- BSL = BUILDING SETBACK LINE
- PUE = PRIVATE UTILITY EASEMENT
- FFE = FINISHED FLOOR ELEVATION
- PCNR = PROPERTY CORNER
- PLINE = PROPERTY LINE
- POC = POINT OF COMMENCEMENT
- POB = POINT OF BEGINNING
- CONC = CONCRETE
- CP = CONCRETE PAD
- ☒ = BACK FLOW PREVENTER
- ☐ = CATCH BASIN
- ☒ = CONCRETE POWER POLE
- ☒ = ELECTRIC BOX
- ☒ = FIRE HYDRANT
- ☒ = GUY WIRE
- ☒ = HANDICAP SPACE
- ☒ = MAIL BOXES
- ☒ = PARKING SPACES
- ☒ = SANITARY SEWER MANHOLE
- ☒ = SEWER VALVE
- ☒ = SIGN
- ☒ = WATER METER
- ☒ = WATER PUMP
- ☒ = WELL
- ☒ = WOOD POWER POLE



NARRATIVE OF SCHEDULE B, SECTION II, EXCEPTIONS

- THE PURPOSE OF THIS SURVEY IS TO PROVIDE AN "ALTA/ACSM LAND TITLE SURVEY" ON THE SUBJECT PROPERTY PER CUSTOMERS REQUEST. ALTA COMMITMENT NUMBER _____ INSURING OFFICE FILE NUMBER SL-22-825 LIBERTY TITLE COMPANY OF AMERICA COMMITMENT DATE 10-10-22
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. ALL INFORMATION REGARDING RECORDED EASEMENTS, ADJOINERS AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN HEREON WAS GAINED FROM TITLE COMMITMENT PROVIDED.
- THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED, TO THE BEST OF OUR KNOWLEDGE THERE ARE NO EXISTING UTILITIES EXCEPT AS SHOWN ON THIS SURVEY.
- THERE ARE NO EASEMENTS WITHIN THE BOUNDARY OF THE PARCEL.
- THE RIGHT OF WAY FOR WEST PEACHTREE (FORMALLY KNOWN AS ORLANDO HIGHWAY) AND CLEAR LAKE ROAD HAVE BEEN DEDICATED TO THE PUBLIC IN THE PLAT OF COCOA ANNEX, PLAT BOOK 5, PAGE 69, RECORDED IN THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA. THEY HAVE BEEN NOTED ON SURVEY WITH MARKER (1)
- BUILDING SETBACKS ARE LISTED, PLOTTED AND NOTED ON SURVEY WITH MARKER (2)
- BUILDING #1 AND #2 ENCHROACHING BUILDING SETBACK LINES. NOTED ON SURVEY WITH MARKER (3)

1520 WEST PEACHTREE STREET

Scale: 1"=40'

DATE: 1-12-23

DRAWN: LW/JC

DATE: 1/18/23

REVISIONS: REDEFINE GRASS AREA SHOW SETBACK ENCROACHMENTS

Atlantic Land Designs
of the Treasure Coast, LB7468
754 NE Jensen Beach Blvd, Jensen Beach, FL 34957
Mailing Address: P.O. Box 1421 Jensen Beach, FL 34958
ALD5543@gmail.com (772) 398-4290

Certified to: JK Hibs LLC, a Florida Limited Liability Company
Liberty Title Company of America, Inc.
Old Republic National Title Insurance Company

I hereby certify that the survey shown hereon is true and correct and is based on actual measurements taken in the field.

James Cesiro
A13308069FD4CL...

NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL.

LAST FIELD DATE: 1-10-23



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.5.

4/19/2023

Subject:

Lynn A. Hartman and Carl K. Hartman (Anna Long) requests two variances for an accessory structure in an RU-2-4 zoning classification. (23V00008) (Tax Account 3008507) (District 3)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of Adjustment conduct a public hearing to consider two variances for an accessory structure in an RU-2-4 (Low Density Multi-Family Residential) zoning classification.

Summary Explanation and Background:

Lynn A. Hartman and Carl K. Hartman (Anna Long) request variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1371(5)(a), to permit a variance of 7 ft. from the required 10-ft. side (south) setback for an accessory structure; 2.) Section 62-1371(5)(a), to permit a variance to allow an accessory structure to be located forward of the front building line of the principal structure, in an RU-2-4 zoning classification. The property is 0.66 acres, located on the east side of Highway A1A, approx. 510 ft. south of River Oaks Rd., and across from Sea Grape Rd. (9115 Highway A1A, Melbourne Beach)

Clerk to the Board Instructions:



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Board of Adjustment Members
FROM: Paul Body, Planner III
Thru: Jeffrey Ball, AICP, Planning & Zoning Manager
SUBJECT: Variance Staff Comments for Wednesday, April 19, 2023
DATE: April 05, 2023

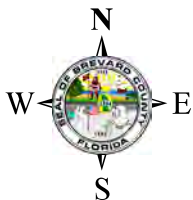
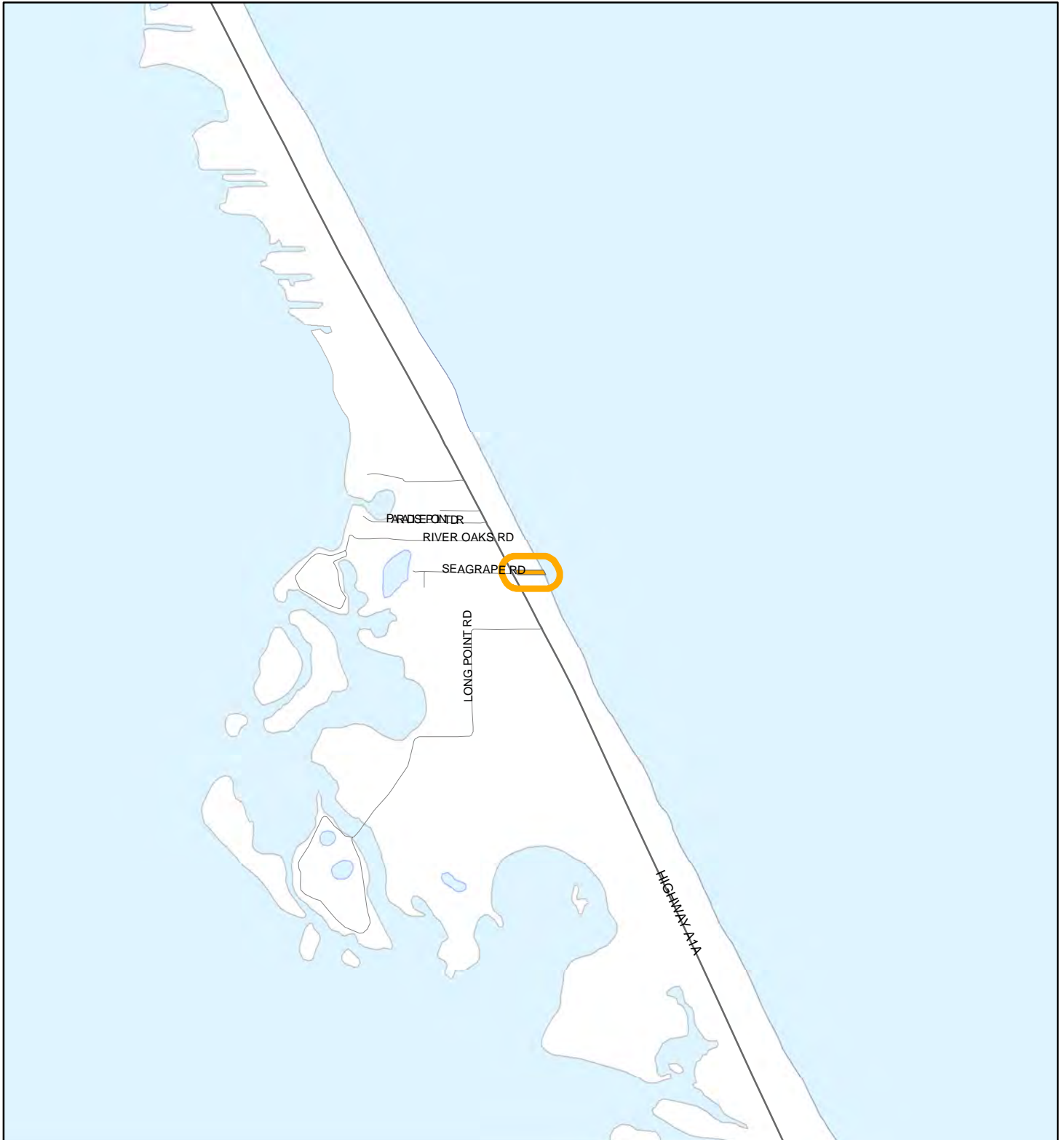
DISTRICT 3

5. (23V00008) Lynn A. Hartman and Carl K. Hartman (Anna Long) requests variances of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1371(5)(a), to permit a variance of 7 ft. from the required 10-ft. side (south) setback for an accessory structure; 2.) Section 62-1371(5)(a), to permit a variance to allow an accessory structure to be located forward of the front building line of the principal structure, in an RU-2-4 (Low Density Multi-Family Residential) zoning classification. This request represents the applicants' request to legitimize an existing accessory structure (Tiki Hut). The parcel has double frontage located on Highway A1A and the Atlantic Ocean. The applicants state that the accessory structure was built by a previous owner seven years ago and was in the current configuration when they purchase the parcel on April 27, 2021. The first request equates to an 70% deviation of what the code allows. There is a code enforcement violation (21CE-01208) for the structure (tiki hut). If the Board approves this variance, it may want to limit its approval as depicted on the survey provided by the applicant with a date of 04/19/2021.

LOCATION MAP

HARTMAN, LYNN A

23V00008





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 200 feet

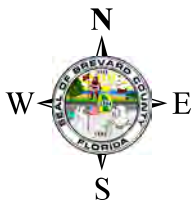
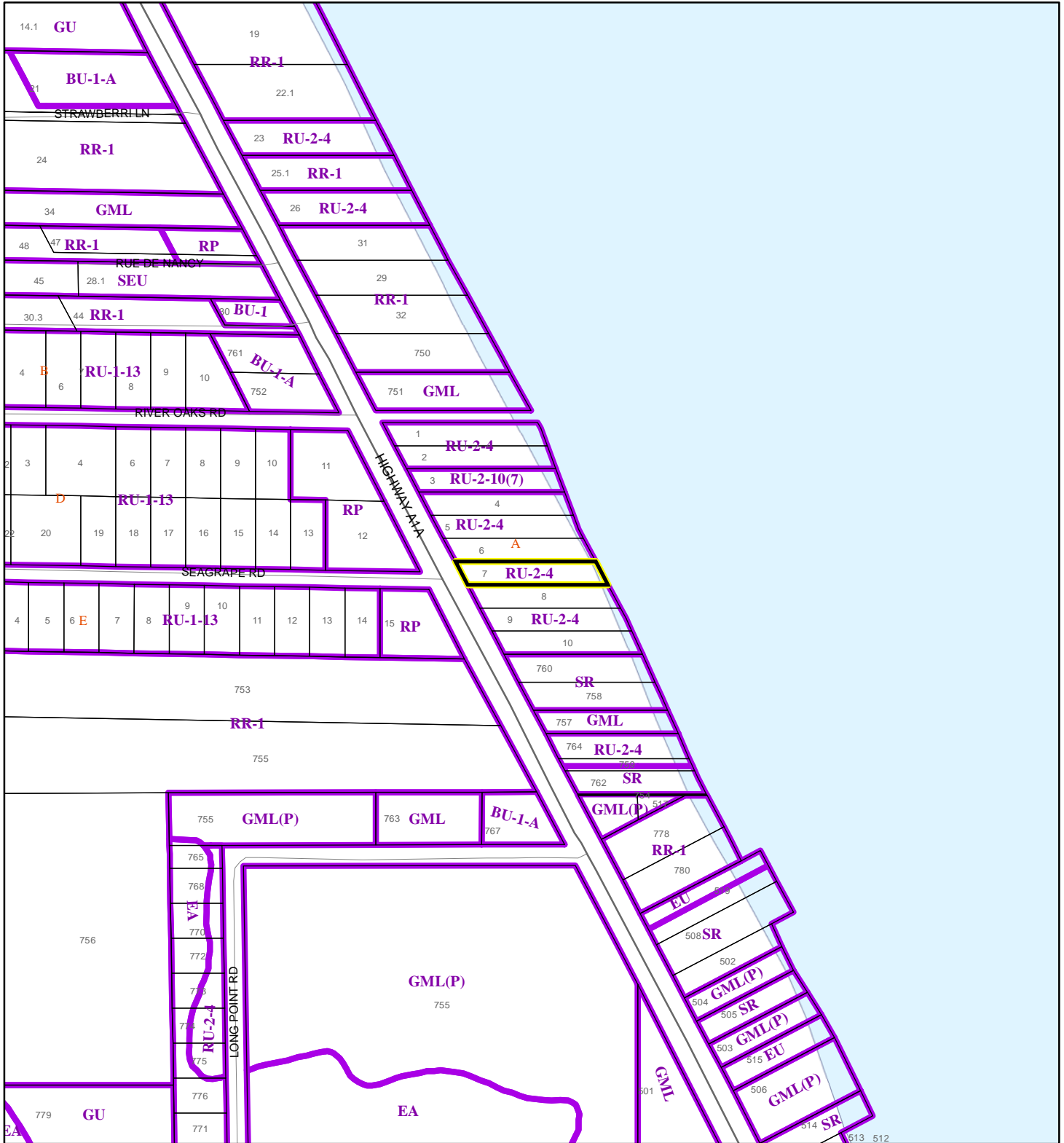
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/3/2023

-  Buffer
-  Subject Property

ZONING MAP

HARTMAN, LYNN A
23V00008



1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/3/2023

- Subject Property
- Parcels
- Zoning

AERIAL MAP

HARTMAN, LYNN A

23V00008




1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2022

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/3/2023

 Subject Property

 Parcels

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

Yes. If Yes, indicate case number 21CE-01208, and
name of contractor Carlos Antuenz - Turbo Services Huts
Brevard Electric

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:
The chickee hut has been located on the property for 7 years and constructed prior to the current property owners purchase of the property in April 2021.

(2) That the special conditions and circumstances do not result from the actions of the applicant:
As noted above, the chickee hut was constructed in its current location 7 years prior to the current property owners purchase of the property in April 2021, and was not the result of actions by the applicant.

(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:
Approving the variances will not confer a special privilege but rather allows for the chickee hut to remain in the same location it has been for the past 7 years. Other like structures are currently located in similar proximity along the coast and orientation to the primary structure. The subject property is located on A1A. Properties located along the waterfront have "two" possible frontages. In this case the previous property owners chose the waterside to serve as the front of the principal structure. The previous owners constructed an accessory/guest house, as permitted by code, to the rear of the property abutting highway A1A. The previous owners, some 7 years ago, constructed a chickee hut as did several other property owners in what is identified as the front of the primary structure. The unique circumstance resulted from a previous owners decision. The current owners are not requesting anything more than what is minimally required to bring the chickee hut into compliance. It should be noted that neither the FDEP, nor the County's Natural Resource Management Department will require any additional permitting of the chickee hut in its current location, provided the variances are approved.

(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:

Denying the requested variances will deprive the current property owners of rights commonly and currently enjoyed by others in the same zoning classification that do not have to contend with issues that have resulted from previous owners actions. The Hartman's completed the appropriate due diligence prior to purchasing their property. There was nothing available in the public record to give them any indication that the chickee hut was constructed at such a location on the property to have required variances from the County code.

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

The variances being requested are the minimum required to bring the existing structure into compliance with the applicable County code provisions. Note with respect to the variance from the side set back, a letter of no objection from the affected property owner is attached (See Attachment "B").

(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:

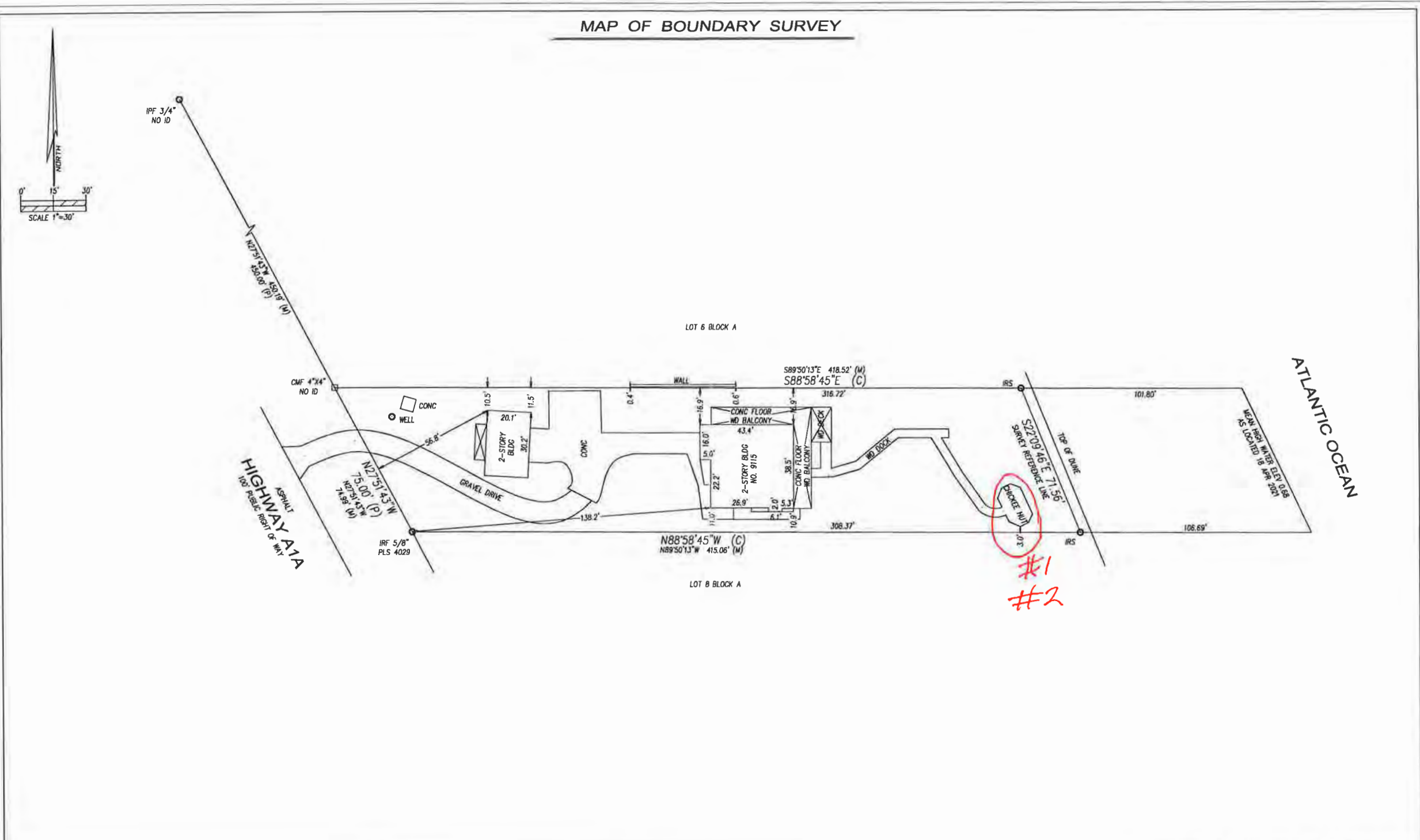
Granting the variances will be in harmony with the general intent and purpose of this chapter and that such use variances will not be injurious to the area involve or otherwise detrimental to the public welfare.

I understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by the below-signed zoning representative. I am fully aware that it is my responsibility to prove complete compliance with the aforementioned criteria.

Signature of applicant 

Signature of planner 

MAP OF BOUNDARY SURVEY



LEGAL DESCRIPTION: (AS FURNISHED)
 Lot 7, Block A, Indian River Oaks Subdivision, according to the map or plat thereof, as recorded in Plat Book 11, Page(s) 39, of the Public Records of Brevard County, Florida.

LEGEND

BM = BENCH MARK	FOUND = CORNER	IRF = IRON PIPE FOUND	NAD 83 = NORTH AMERICAN DATUM OF 1983	PT = POINT OF TANGENCY	RLS = REGISTERED LAND SURVEYOR
BLDG = BUILDING	(C) = CALCULATED	IRF = IRON ROD FOUND	NAD 1983 = NORTH AMERICAN VERTICAL DATUM 1983	PRM = PERMANENT REFERENCE MONUMENT	RGE = RANGE
C/L = CENTER LINE	E3MT = EASEMENT	IRF = 5/8 IRON ROD SET GAI LB 7928	OSB = OPTICAL RECORDS BOOK	PLS = PROFESSIONAL LAND SURVEYOR	SEC = SECTION
CLF = CHAIN LINK FENCE	ELEV = ELEVATION	LB = LICENSED BUSINESS NUMBER	(P) = PLAT	POB = POINT OF BEGINNING	TWP = TOWNSHIP
CONC = CONCRETE	FTE = FINISHED FLOOR ELEVATION	(M) = MEASURED NUMBER	PB = PLAT BOOK	POC = POINT OF COMMENCEMENT	TYP = TYPICAL
CMF = CONCRETE MONUMENT	FNC = FENCE	NDF = NAIL & DISK FOUND	PCP = PERMANENT CONTROL POINT	PUE = PUBLIC UTILITY EASEMENT	WD = WOOD
	ID = IDENTIFICATION	NDS = NAIL & DISK SET GAI LB 7928	PC = POINT OF CURVATURE	PUDE = PUBLIC UTILITY DRAINAGE EASEMENT	WT-COR = WITNESS CORNER IRF 5/8" DIA LB 7928
				XCF = CUT MARK FOUND	

- NOTES:**
- BEARINGS BASED ON STATE PLANE
 - ELEVATIONS BASED ON _____
 - FLOOD ZONE "E & X", MAP NO. 12009C0714H COMMUNITY NO. 125092, JAN 29, 2021
 - HORIZONTAL CLOSURE: METERS OR EXCEEDS THE ACCURACY FOR SUBURBAN LAND AS PER FLORIDA ADMINISTRATIVE CODE SJ-17
 - VERTICAL CLOSURE: NOT APPLICABLE
 - BEARINGS, DISTANCES OR ANGLES SHOWN ARE THE SAME AS PLAT, DEED OR RECORD UNLESS SHOWN OTHERWISE
 - NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

CERTIFIED TO:
 Lynn Hartman Carl Hartman
 US bank, N.A.
 Supreme Title Closings LLC
 Chicago Title Insurance Company

CERTIFICATION:
 I HEREBY CERTIFY THAT THE ATTACHED SURVEY WAS DONE UNDER MY DIRECTION AND CONTROL IN ACCORDANCE WITH THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.
 L.S. 5363
 STATE OF FLORIDA
 EARL K. GORDON, PROFESSIONAL LAND SURVEYOR AND MAPPER
 LICENSE NO. LS 5363

BOUNDARY DATE: 19 APR 21

CALCULATIONS/DRAWN/CHECKED BY: AEG/REG/EXG

GAI Surveyors
 L.B. No. 7928
 A. EARL GORDON, JR., PSM No. LS 2888
 EARL K. GORDON, PSM No. LS 5363
 1 CLEAHER ST. COCOA, FL 32922
 (321) 806-3908 GAI@CFL.RR.COM





Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.6.

4/19/2023

Subject:

Jeremy Cox-Stone and Amber Comrie request a variance for an accessory structure in an RR-1 zoning classification. (23V00009) (Tax Account 2702772) (District 5)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of Adjustment conduct a public hearing to consider a variance for an accessory structure in an RR-1 (Rural Residential) zoning classification.

Summary Explanation and Background:

Jeremy Cox-Stone and Amber Comrie request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-2100.5(1)(d), to permit a variance of 228 sq. ft. over the 1,280 sq. ft (50% of the living area of the principal structure) allowed for an accessory structure in an RR-1 (Rural Residential) zoning classification. The property is 2.05 acres, located on the south side of Carolwood Dr., approx. 0.30 mile west of Turtle Mound Rd. (4185 Carolwood Dr., Melbourne)

Clerk to the Board Instructions:



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

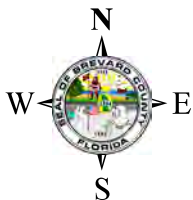
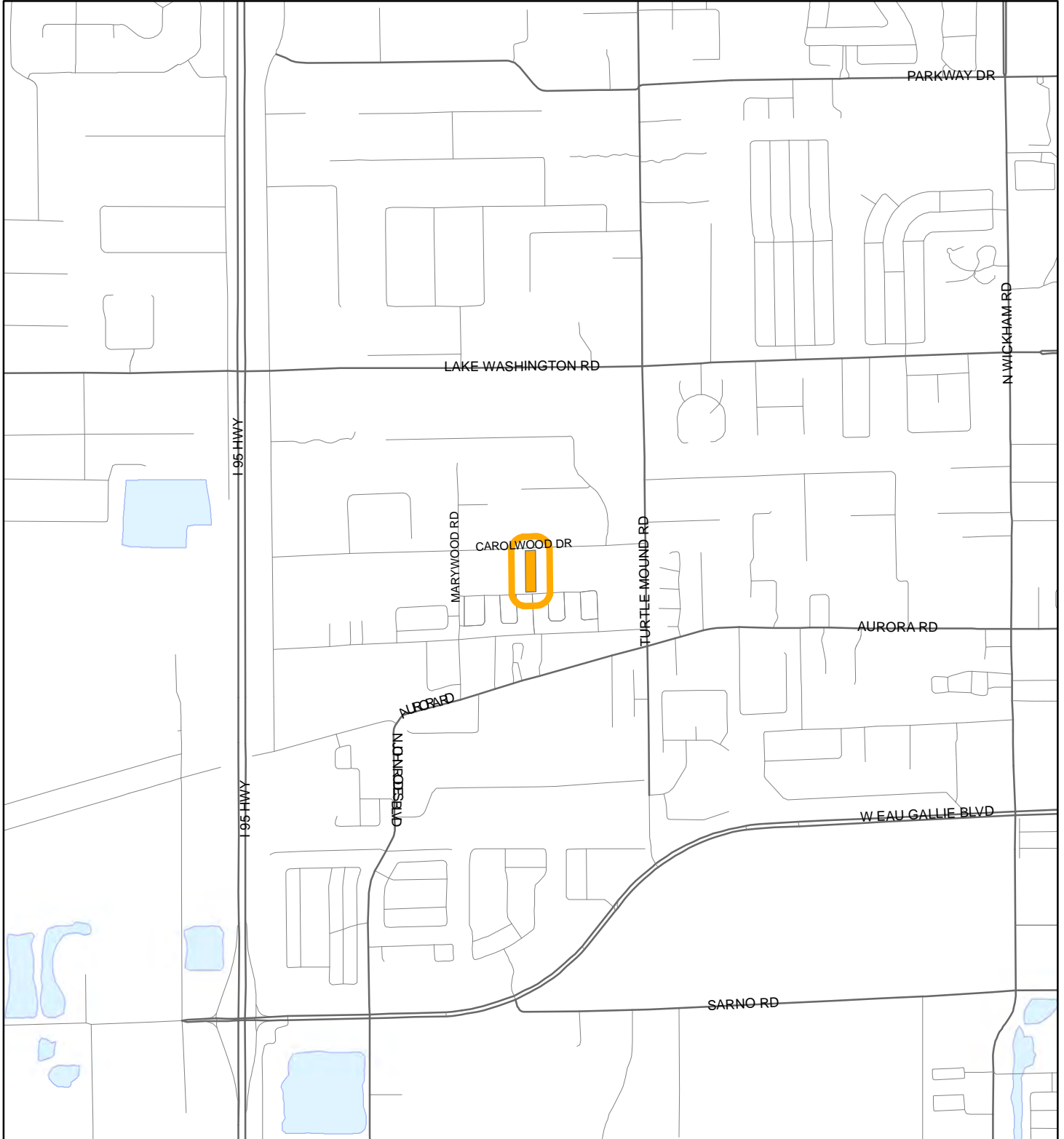
TO: Board of Adjustment Members
FROM: Paul Body, Planner III
Thru: Jeffrey Ball, AICP, Planning & Zoning Manager
SUBJECT: Variance Staff Comments for Wednesday, April 19, 2023
DATE: April 05, 2023

DISTRICT 5

6. (23V00009) Jeremy Cox-Stone and Amber Comrie request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-2100.5(1)(d), to permit a variance of 228 sq. ft. over the 1,280 sq. ft (50% of the living area of the principal structure) allowed for an accessory structure in an RR-1 (Rural Residential) zoning classification. This request represents the applicants' request to legitimize an existing accessory structure to final the building permit (22BC11511). The applicants state their contractor applied for a building permit for the accessory structure and when the as-built survey was submitted it was noted that the accessory building was built larger than what is permitted. This request equates to an 18% deviation of 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 revision date of 01/20/2023.

LOCATION MAP

COX-STONE, JEREMY & COMRIE, AMBER
23V00009





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 200 feet

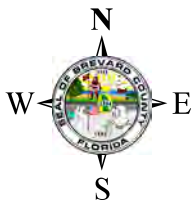
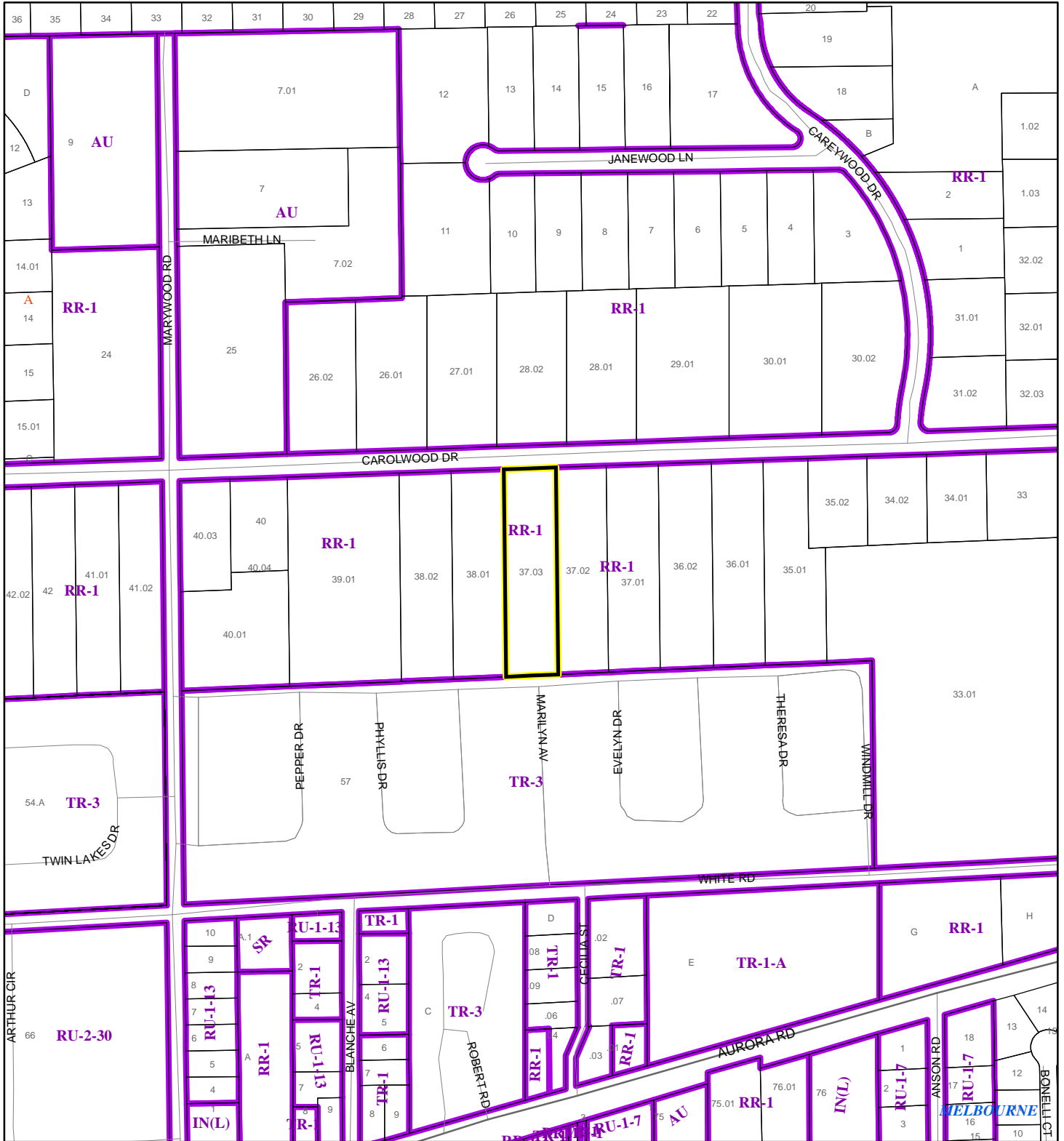
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/15/2023

-  Buffer
-  Subject Property

ZONING MAP

COX-STONE, JEREMY & COMRIE, AMBER
23V00009



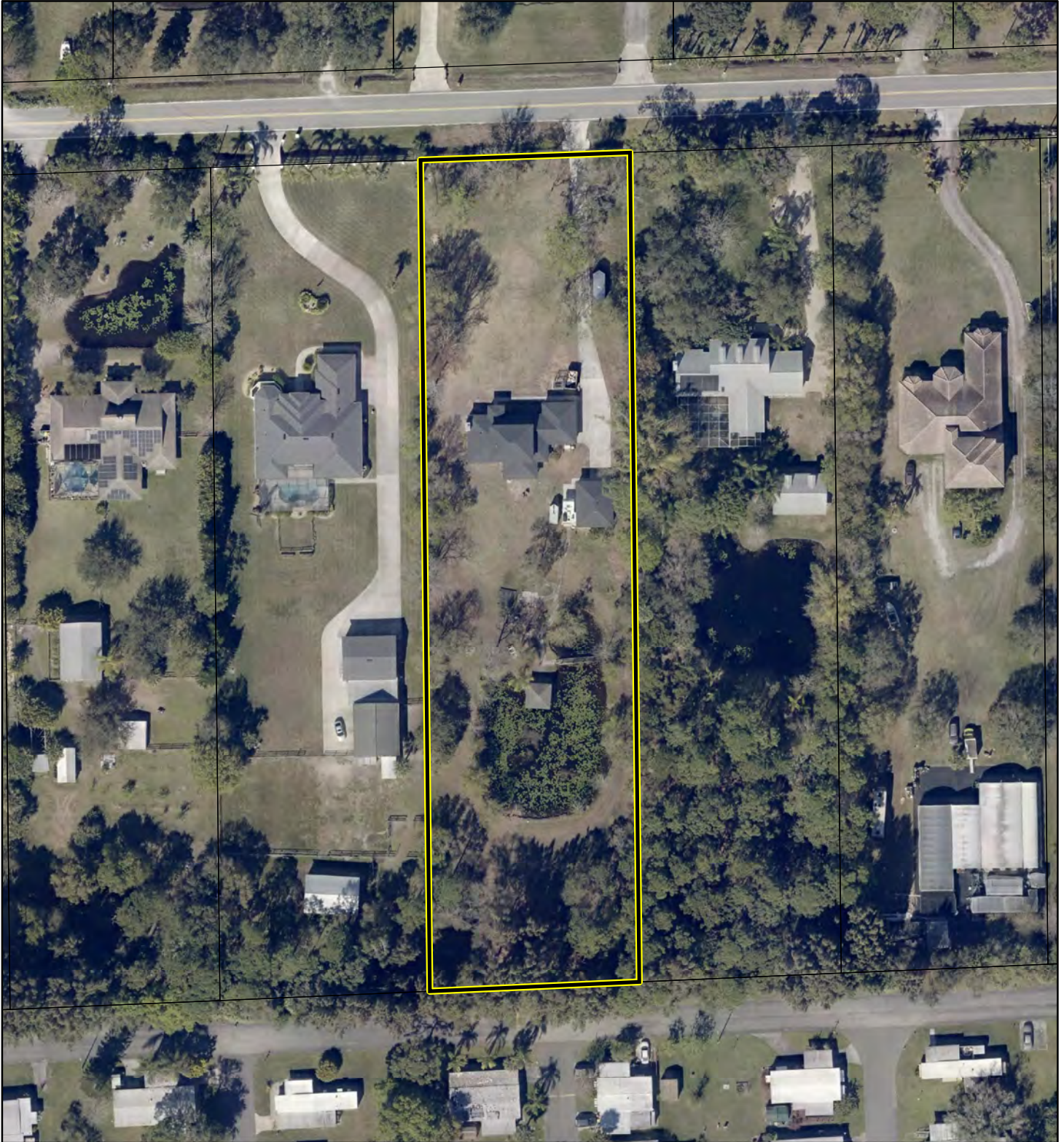
1:4,800 or 1 inch = 400 feet

- Subject Property
- Parcels
- Zoning

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/15/2023

AERIAL MAP
COX-STONE, JEREMY & COMRIE, AMBER
23V00009





1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2022

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/15/2023

 Subject Property
 Parcels



BOARD OF COUNTY COMMISSIONERS

Cox-Stone
4185 CAROLWOOD DR.
MELBOURNE, FL 32934
Planning and Development
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321) 633-2070 Phone

VARIANCE HARDSHIP WORKSHEET

Is the variance request due to a Code Enforcement action: Yes No

If yes, please indicate the case number and the name of the contractor:

Case Number: _____

Contractor: _____

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:

we hired a contractor to build a 26'x40' metal building. Applied for the permit and followed all proper protocols to ensure the permit was approved. Upon last inspection for permit, it was found the building was built larger than the original size applied on the permit. The additional size put us 228 square feet over what is allowed for our property.

2. That the special conditions and circumstances do not result from the actions of the applicant.

Applicant Response:

Correct. We paid a contractor to properly apply for permitting and build the 24x40 metal building. However, the concrete slab was formed & slab inspection was passed by the county before the concrete was poured. The contractor missed applying for the form board inspection which would alerted them of the size error.

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:

Uncertain on the meaning of this question and don't know how to answer it. I reached out to Paul Body to seek assistance & did not hear back in time to finish and submit before March 1st. deadline.

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:

We've paid more than 50% of the original billable amount of \$32,000 to the contractor. If variance is not approved, we will lose the \$18,000 already paid and will incur additional costs for attorney & court fees to recover this money.

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, granting this variance will allow us to use the building as it stands. the variance requested is the minimum needed to not require a complete tear down + rebuild to allow for the extra 228 sq/ft. over allowable for our property.

6. That the granting of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

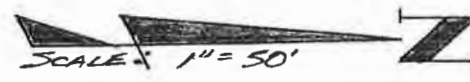
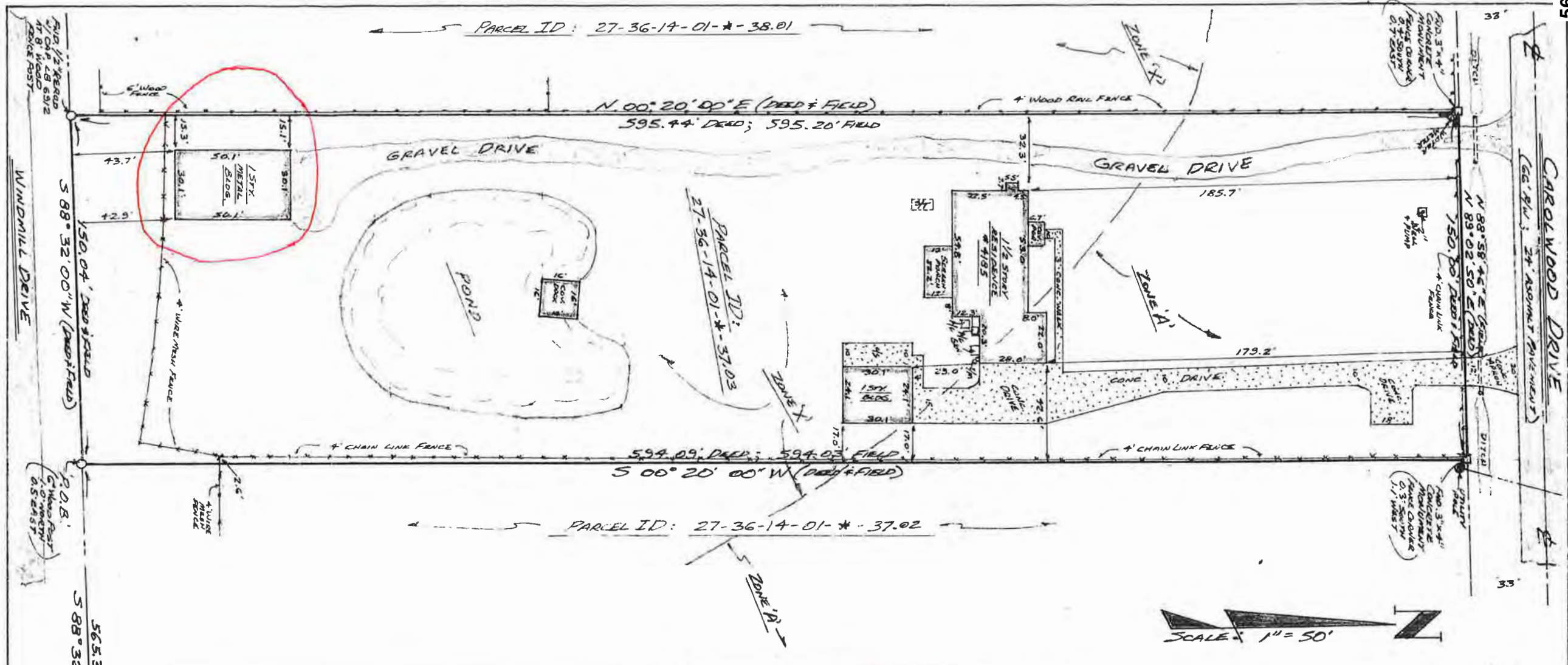
Applicant Response:

yes, it would be more harmful to the surrounding area by tearing it down. Building is already built, not receiving the variance will require additional construction traffic to remove existing building, concrete pad + redo project to match permitted size. Contractor is unwilling to rebuild if he's required to take down.

I fully understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by a Planning and Development representative. I am fully aware it is my responsibility to prove complete compliance with the aforementioned criteria.


Signature of Applicant


Signature of Planner



CERTIFIED TO	Jeremy Michael Cox-Stone and Amber Comrie	
	STANLEY E. SMITH LS3736 157 Magnolia Way; DeLand, FL 32724 (386) 734-7047	
DRAWN BY:	S.E. Smith	REVISIONS:
CREW CHIEF:	S.E. Smith	
SCALE:	1" = 50'	
DATE	January 20, 2023	
	23006	

I herby certify that this map depicts a survey performed under my supervision, and is correct to the best of my knowledge and belief; and that this survey meets the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 63-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

January 20, 2023

Stanley E. Smith

Stanley E. Smith
Florida Professional Surveyor
and Mapper, LS 3736

NOT VALID UNLESS SEAL IS EMBOSSED

Note: No instruments of record reflecting easements, limitations, ownerships, reservations, restrictions and/or rights-of-way, if any have been provided to this surveyor, except as shown. If underground installations or utilities have been located, except as shown.

SHEET 2 OF 2

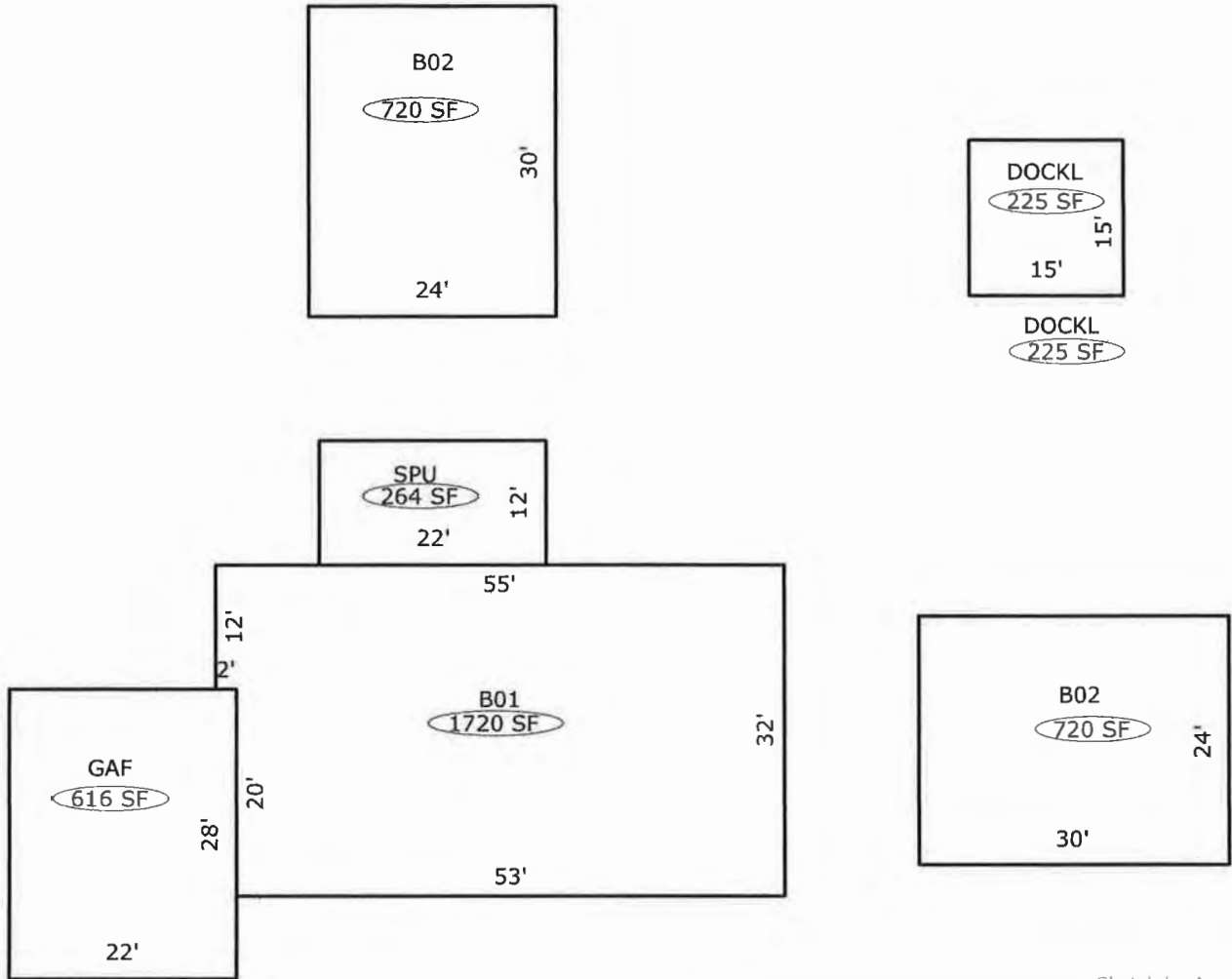
SKETCH/AREA TABLE ADDENDUM

23V00009
Cox-Stone

SUBJECT INFO

Township: _____ Parcel No.: _____
 Property Address: **4185 CAROLWOOD DR.**
 City: **MELB** County: **BREVARD** State: **FL** ZipCode: **32934**
 Owner: **JEREMY COX-STONE + AMBER COMAIE**
 Client: _____ Client Address: _____
 Appraiser Name: _____ Inspection Date: _____

SKETCH



Sketch by Apex Sketch

AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
B01	B1	1.0	1720.0	174.0	1720.0
B02	B2	1.0	720.0	108.0	
	Detached Garage	1.0	720.0	108.0	1440.0
DOCKL	Dock	1.0	225.0	60.0	
	Deck/Dock Roof	1.0	225.0	60.0	450.0
GAF	Garage	1.0	616.0	100.0	616.0
SPU	Screen Porch	1.0	264.0	68.0	264.0

COMMENT TABLE 1

COMMENT TABLE 2

COMMENT TABLE 3

From: [WILLIAM SAWCZYN](#)
To: [Jones, Jennifer](#)
Cc: [WILLIAM SAWCZYN](#)
Subject: Variance request for 4185 Carolwood Drive, 32934
Date: Monday, April 10, 2023 10:08:39 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

To Whom it May Concern:

After much consideration we have decided not to approve the variance request of Chapter62, Article VI, Brevard County Code Section 62-2100.5(1)(d) by Jeremy Cox-Stone and Amber Crombie of 4185 Carolwood Drive, Melbourne for the following reasons:

- 1) It has come to our attention that Jeremy Cox-Stone and Amber Crombie have, on March 5, licensed (L2300126138) a business known as Intercoastal Dumpsters LLC with the business address and location at 4185 Carolwood Drive. In conjunction with this , the building in question is now surrounded by at least a dozen portable dumpsters that will be used, with this building, to run this business. The property site code for this address is 0001 and the property use code 0110. Neither of these codes allow a business to be established necessitating the use of heavy trucks, machinery, and increased traffic in and out if the property.
- 2) To access this area if the property a driveway has been constructed over the street-side swale, possibly without a permit.
- 3) Not connected but concerning, a stand alone garage has been partially converted to living quarters with the addition of a bath. Again, possibly without a permit.
- 4) We are also concerned that on the evening of April 8 a fire developed in that back area requiring the assistance of the Brevard County Fire Dept. Since the county has issued a no burn order the origin of that fire remains in question.

Because we are a residential street, we cannot accept the possibility of an industrial business setting a precedent for others to follow. With existing codes having been ignored there is no guarantee that it won't happen again in the future.

Due to previous commitments we are unable to attend the meeting scheduled on April 19, 2023. Please submit this letter into consideration on this variance request.

Sincerely,
William Sawczyn , Col. USArmy retired
Cynthia Sawczyn

4155 Carolwood Drive
Melbourne, FL 32934
321-242-8213
sawmax@aol.com

Sent from my iPad



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.7.

4/19/2023

Subject:

Withdrawal of Variance No. 1 of 23V00003, Anthony V. and Kathleen DiLella heard by the Board on February 15, 2023. (Tax Account 2519528) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of Adjustment formally withdrawal Variance No. 1. of 23V00003, for projection into a canal for a boat dock, and authorize the Chair to sign an amended resolution.

Summary Explanation and Background:

On February 15, 2023, the Board of Adjustment conducted a public hearing to consider a variance of 2.48 ft. over the 15.52-ft. projection (20% the width of the waterway) for a boat dock. The Board tabled the request to a future meeting to allow the applicant time to meet with staff and amend the request. The applicant applied for 23V00010 on March 3, 2023, and has requested two new variances; therefore, the previously tabled variance should be formally withdrawn.

Clerk to the Board Instructions:

RESOLUTION 23V00003

WHEREAS, the Brevard County Board of Adjustment met in session the 15th day of February, 2023; and

WHEREAS, **Anthony V. and Kathleen E. DiLella** have applied to the Brevard County Board of Adjustment for variances on property described as Lot 8, Block E, West Point Addition to Snug Harbor Estates, a subdivision according to the Plat thereof, as recorded in Plat Book 11, Page 88, of the Public Records of Brevard County, Florida. **Section 22, Township 25, Range 37.** (0.35 acres) Located on the westerly side of Bay Shore Dr., approx. 0.14 mile northwest of West Point Dr. (1742 Bay Shore Dr., Cocoa Beach); and

WHEREAS, this Board, having heard the following variance requests on the subject property: Chapter 62, Article VI, Brevard County Code, as follows: 1) Section 21-2118(d)(3), to permit a variance of 2.48 ft. over the 15.52-ft. projection (20% the width of the waterway) for a boat dock; 2.) Section 62-1340(5)(b), to permit a variance of 2 ft. from the required 7.5-ft. side (west) setback for an accessory structure, in an RU-1-13 (Single-Family Residential) zoning classification; and

WHEREAS, this Board after hearing all testimony and facts presented in this matter; and

WHEREAS, this Board, after considering the criteria established by Section 62-253 of Chapter 62, Article II of the Brevard County Code; and

NOW THEREFORE, BE IT RESOLVED, that the Brevard County Board of Adjustment does hereby find that the facts as set forth at the meeting held on February 15, 2023, are not sufficient to meet the criteria of Section 62-253, Chapter 62, Article II, Brevard County Code, and the above described Variance No. 2 is APPROVED as depicted on the survey provided by the applicant; and Variance No. 1. is TABLED to the next available Board of Adjustment meeting after the applicant meets with staff to determine if an alternate or additional variance is required.

BE IT FURTHER RESOLVED, that the Planning & Development Director, or designee, is hereby directed to make a notation on the official zoning maps of Brevard County, Florida, indicating this action.

DONE, ORDERED AND ADOPTED, in Regular Session, the 15th day of February, A.D., 2023.


Attest:

BOARD OF ADJUSTMENT OF
BREVARD COUNTY, FLORIDA

Date: 2/15/23

Date: 2/15/23

By: 
Tad Calkins, Director
Planning and Development Department

By: 
Dale Rhodes, Chair

The granting of this variance does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances. Pursuant to the Florida rules of appellate procedure, any person or persons jointly or severally aggrieved by any decision of the

Board of Adjustment may, within 30 days after the order is signed, apply to a court of competent jurisdiction for appropriate relief.

**RESOLUTION 23V00003
AMENDED**

WHEREAS, the Brevard County Board of Adjustment met in session the 19th day of April, 2023; and

WHEREAS, **Anthony V. and Kathleen E. DiLella** have applied to the Brevard County Board of Adjustment for variances on property described as Lot 8, Block E, West Point Addition to Snug Harbor Estates, a subdivision according to the Plat thereof, as recorded in Plat Book 11, Page 88, of the Public Records of Brevard County, Florida. **Section 22, Township 25, Range 37.** (0.35 acres) Located on the westerly side of Bay Shore Dr., approx. 0.14 mile northwest of West Point Dr. (1742 Bay Shore Dr., Cocoa Beach); and

WHEREAS, this Board, having heard the following variance requests on the subject property on February 15, 2023: Chapter 62, Article VI, Brevard County Code, as follows: 1) Section 21-2118(d)(3), to permit a variance of 2.48 ft. over the 15.52-ft. projection (20% the width of the waterway) for a boat dock; 2.) Section 62-1340(5)(b), to permit a variance of 2 ft. from the required 7.5-ft. side (west) setback for an accessory structure, in an RU-1-13 (Single-Family Residential) zoning classification; and

WHEREAS, this Board after hearing all testimony and facts presented in this matter; and

WHEREAS, this Board, after considering the criteria established by Section 62-253 of Chapter 62, Article II of the Brevard County Code; and

NOW THEREFORE, BE IT RESOLVED, that the Brevard County Board of Adjustment does hereby find that the facts as set forth at the meeting held on February 15, 2023, are sufficient to meet the criteria of Section 62-253, Chapter 62, Article II, Brevard County Code, and the above described Variance No. 2 is APPROVED as depicted on the survey provided by the applicant; and the above described Variance No. 1. is WITHDRAWN.

BE IT FURTHER RESOLVED, that the Planning & Development Director, or designee, is hereby directed to make a notation on the official zoning maps of Brevard County, Florida, indicating this action.

DONE, ORDERED AND ADOPTED, in Regular Session, the 19th day of April, A.D., 2023.

Attest:

BOARD OF ADJUSTMENT OF
BREVARD COUNTY, FLORIDA

Date: _____

Date: _____

By: _____

By: _____

Tad Calkins, Director
Planning and Development Department

Dale Rhodes, Chair

The granting of this variance does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances. Pursuant to the Florida rules of appellate procedure, any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may, within 30 days after the order is signed, apply to a court of competent jurisdiction for appropriate relief.

From: [Tony DiLella](#)
To: [Jones, Jennifer](#)
Subject: Amendment to variance request.
Date: Wednesday, April 5, 2023 9:45:57 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Jennifer, per our conversation regarding my original Variance V2300003 variance #1 that was approved at the February 15, 2023. It is ok to amend that request as the county needs. Please let me know if you have any questions.

Tony DiLella
407-625-9594



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.8.

4/19/2023

Subject:

Anthony V. and Kathleen E. DiLella (Carter Hayes) requests two variance for a boat dock in an RU-1-13 zoning classification. (23V00010) (Tax Account 2519528) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning & Development

Requested Action:

It is requested that the Board of Adjustment conduct a public hearing to consider two variances for a boat dock in an RU-1-13 (Single-Family Residential) zoning classification.

Summary Explanation and Background:

Anthony V. and Kathleen E. DiLella (Carter Hayes) request variance of Chapter 62, Article VI, Brevard County Code, as follows: 1) Section 62-2118(d)(3), to permit a variance of 6.38 ft. over the 15.62-ft. projection (20% of the canal width) permitted for a boat dock and a vessel moored at the dock; 2.) Section 62-2118(d)(2), to permit a variance of 3 ft. from the required 7.5-ft. side (west) setback for a boat dock, in an RU-1-13 zoning classification. The property is 0.35 acres, located on the westerly side of Bay Shore Dr., approx. 0.14 mile northwest of West Point Dr. (1742 Bay Shore Dr., Cocoa Beach)

Clerk to the Board Instructions:



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Board of Adjustment Members

FROM: Paul Body, Planner III

Thru: Jeffrey Ball, AICP, Planning & Zoning Manager

SUBJECT: Variance Staff Comments for Wednesday, April 19, 2023

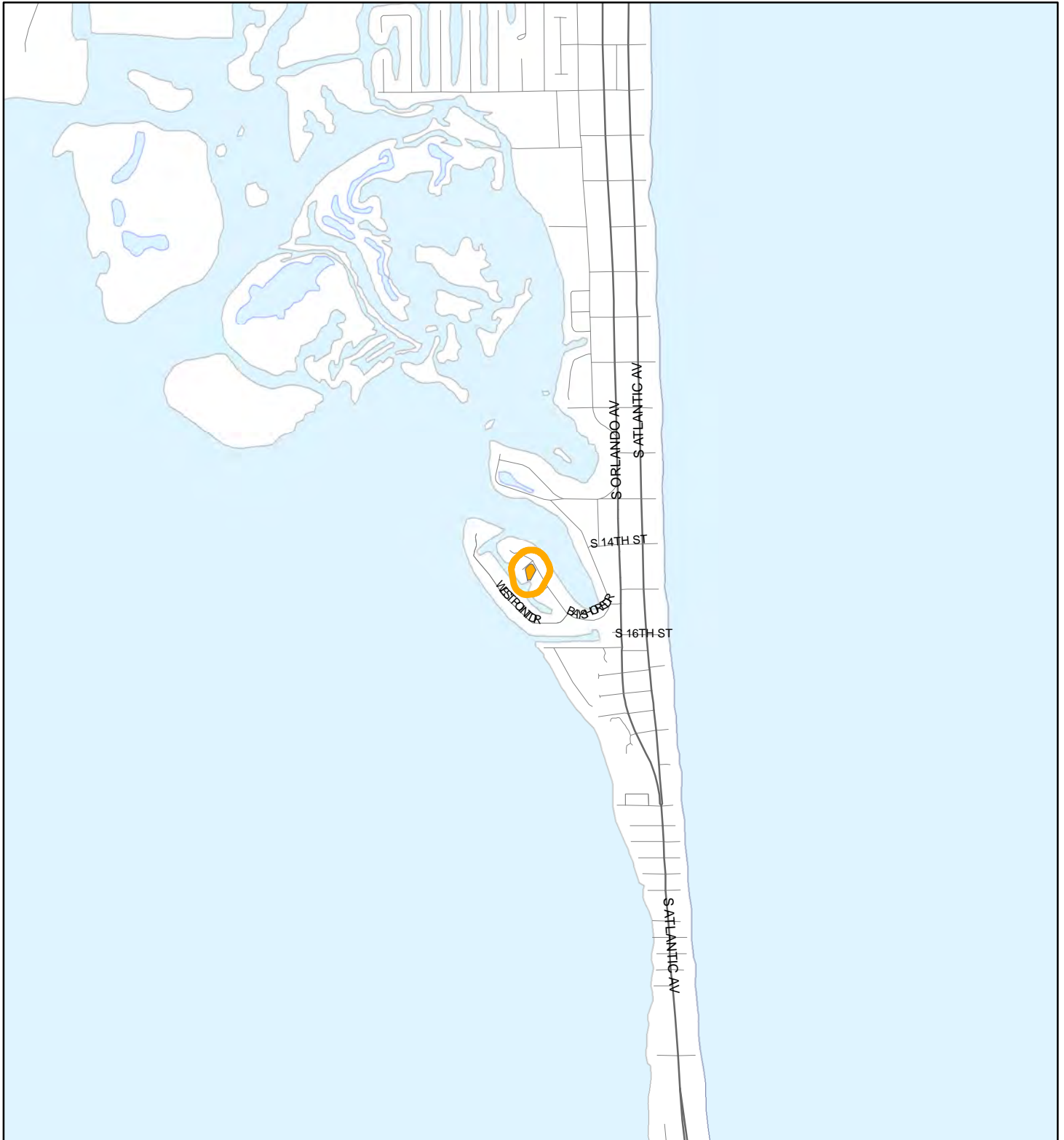
DATE: April 05, 2023.

DISTRICT 2

7. (23V00010) Anthony V. and Kathleen E. DiLella (Carter Hayes) request variance of Chapter 62, Article VI, Brevard County Code, as follows: 1) Section 62-2118(d)(3), to permit a variance of 6.38 ft. over the 15.62-ft. projection (20% of the platted canal width) permitted for a boat dock and a vessel moored at the dock; 2.) Section 62-2118(d)(2), to permit a variance of 3 ft. from the required 7.5-ft. side (west) setback for a boat dock, in an RU-1-13 (Single-Family Residential) zoning classification. This request represents the applicants' request to construct new dock. The applicant states that the proposed dock needs the added length to securely dock the boat. The first request equates to an 41% deviation of what the code allows. The second request equates to an 40% deviation of what the code allows. There are no variances approved for dock projection requirements or 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 revision date of 03/01/2023.

LOCATION MAP

DILELLA, ANTHONY & KATHLEEN
23V00010





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 200 feet

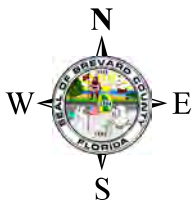
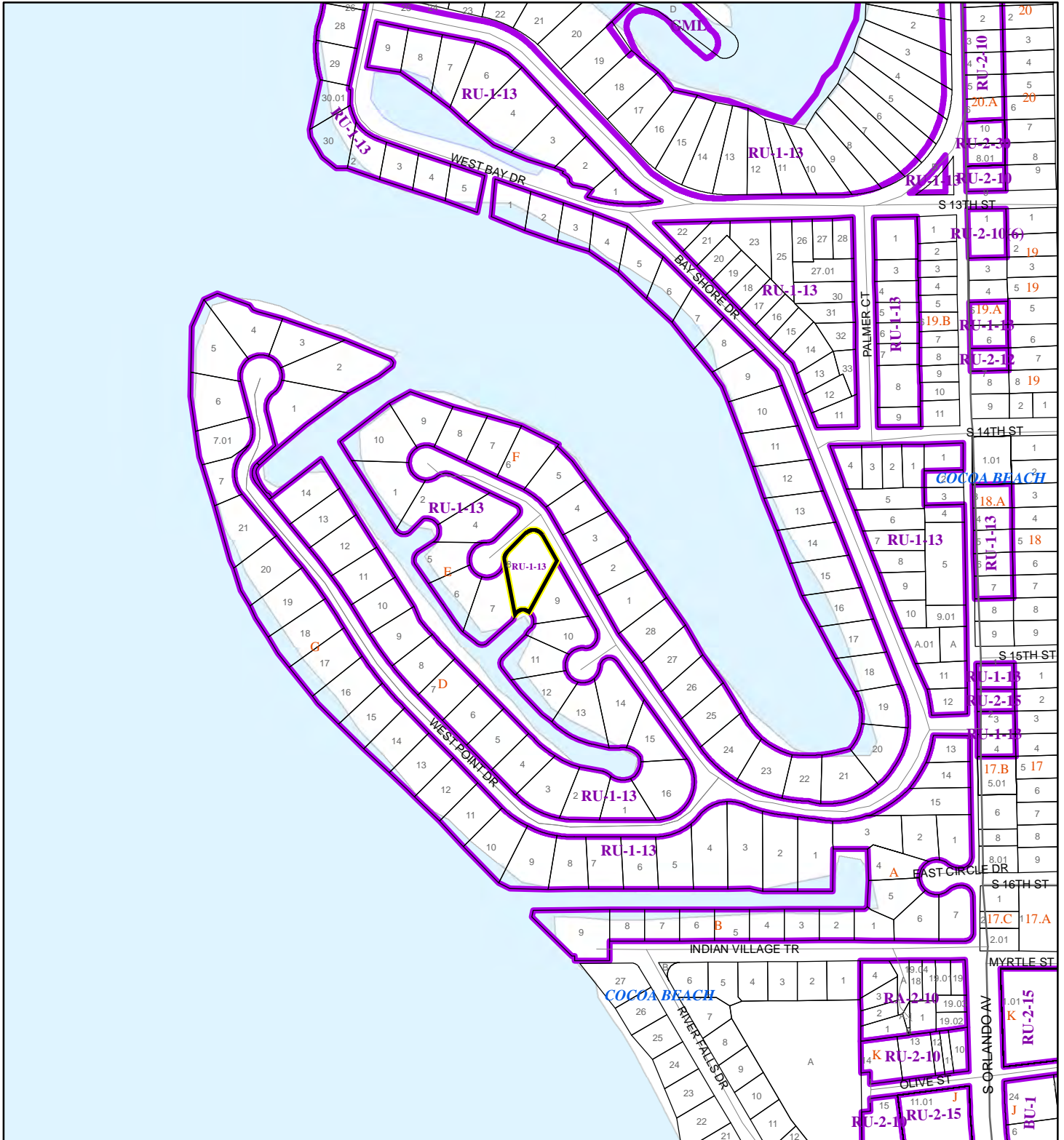
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/15/2023

-  Buffer
-  Subject Property

ZONING MAP

DILELLA, ANTHONY & KATHLEEN
23V00010



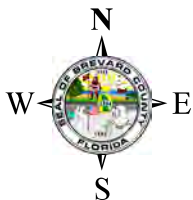
1:4,800 or 1 inch = 400 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/15/2023

- Subject Property
- Parcels
- Zoning

AERIAL MAP
DILELLA, ANTHONY & KATHLEEN
23V00010




1:600 or 1 inch = 50 feet

PHOTO YEAR: 2022

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/15/2023

 Subject Property

 Parcels



BOARD OF COUNTY COMMISSIONERS

Planning and Development
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321) 633-2070 Phone

VARIANCE HARDSHIP WORKSHEET

Is the variance request due to a Code Enforcement action: Yes No

If yes, please indicate the case number and the name of the contractor:

Case Number: _____

Contractor: _____

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:

Variance 1) 3 homeowners share a circular canal area. Other existing neighbor boat lift, muck levels, land erosion and required setbacks don't allow enough room to securely dock a boat without blocking eastern neighbor from launching and docking their boat.

Variance 2) For the same reasons above we request a side setback variance to move the dock as far from eastern neighbor as possible



2. That the special conditions and circumstances do not result from the actions of the applicant.

Applicant Response:

Variance 1) Applicant purchased home in 2020 not knowing that the eastern neighbor needed space behind their property to launch and dock their boat on their elevator style lift. Effectively asking them not to put any dock behind the home to allow them to continue to use entire East Fork Canal.

Variance 2) For the same reasons, we request a side setback variance to move the dock as far from the eastern neighbor as possible

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:

Variance 1) Applicant would like to dock a boat behind their home like many who purchase property on the water. They also want to cause as little impact to the neighbors ability to launch and dock their boat, which an approved dock within all setbacks would do.

Variance 2) For the same reasons above, we request a side setback variance to move the dock as far from the eastern neighbor as possible.

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:

Variance 1) Literal enforcement would either block the neighbor from launching and docking their boat on their elevator style lift or not give the applicant enough room for their dock/boatlift.

Variance 2) for the same reasons above, we request a side setback variance to move the dock as far from the eastern neighbor as possible.

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

Applicant Response:

Variance 1) Yes, the applicant has scaled back to absolute safe minimum space needed for boat and is including in the variance any part of the boat that will go past the dock/lift.

Variance 2) Yes, this would even further move the dock into the smallest usable footprint, if also granted.

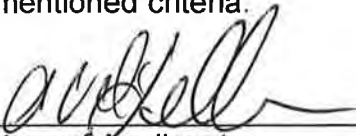
6. That the granting of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant Response:

Variance 1) Granting this request will improve the harmony in the waterway on the East Fork Canal by allowing all owners to enjoy the maximum space available. Not granting this request and allowing the applicant to pursue options that fits within setbacks would harm the harmony, now and in the future if other homeowners.

Variance 2) Granting this request would further improve the harmony by allowing the dock to move as far over as the waterway and property allows.

I fully understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by a Planning and Development representative. I am fully aware it is my responsibility to prove complete compliance with the aforementioned criteria.

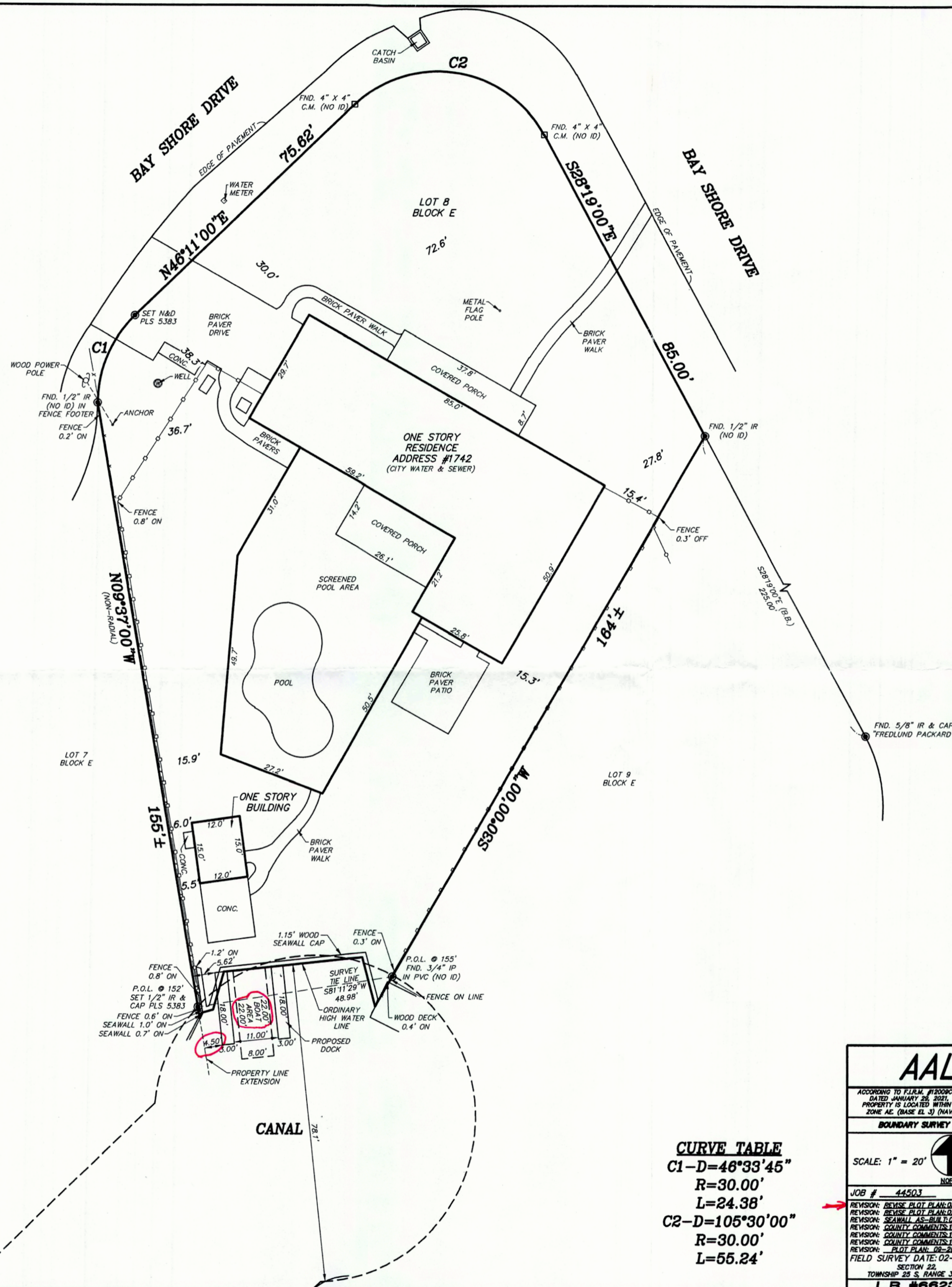


Signature of Applicant



Signature of Planner

23V00010
DiLella



SURVEY PREPARED FOR:
ANTHONY V. DILELLA AND KATHLEEN E. DILELLA

DESCRIPTION: LOT B, BLOCK E, WEST POINT ADDITION TO SNUG HARBOR ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 11, PAGE 88, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CURVE TABLE

C1-D=46°33'45"
R=30.00'
L=24.38'

C2-D=105°30'00"
R=30.00'
L=55.24'

AAL LAND SURVEYING SERVICES, INC.		
<p>ACCORDING TO FLA. STAT. § 408.04, DATED JANUARY 28, 2021, THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE AE (BASE EL. 3) (HAZ. 88)</p> <p>BOUNDARY SURVEY</p> <p>SCALE: 1" = 20'</p> <p>↑ NORTH</p> <p>JOB # 44503</p> <p>REVISION: REUSE PLOT PLAN 01-01-21 REVISION: REUSE PLOT PLAN 02-22-21 REVISION: SEAWALL AS-BUILT 02-22-21 REVISION: COUNTY COMMENTS 12-08-22 REVISION: COUNTY COMMENTS 11-02-22 REVISION: COUNTY COMMENTS 10-06-22 REVISION: PLOT PLAN 08-28-22 FIELD SURVEY DATE: 02-10-22 SECTION 22 TOWNSHIP 26 S. RANGE 37 E L.B. #6623</p>	<p>NOTES:</p> <ol style="list-style-type: none"> THIS SURVEY AND DRAWING HAVE BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THIS SURVEY IS FOR THE SOLE BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN. NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED. BEARINGS ARE BASED ON ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN. ELEVATIONS, IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED. <p>3970 MINTON ROAD, WEST MELBOURNE, FL 32904 L.B.#6623 PHONE: (321)788-8110 FAX: (321)952-9771 E-MAIL: frontdesk@aalsurvey.com</p> <p>ANDREW W. POWSHOK P.L.S. No. 6383</p>	<p>LEGEND</p> <p>(P) - PLAT (M) - MEASURED (D) - DEED FND. - FOUND I.R. - IRON ROD I.P. - IRON PIPE C.M. - CONCRETE MONUMENT S - CENTERLINE R/W - RIGHT OF WAY P.U. - PUBLIC UTILITY D.E. - DRAINAGE EASEMENT L.B. - LICENSE BUSINESS P.L.S. - PROFESSIONAL LAND SURVEYOR FF - FINISH FLOOR EL - ELEVATION D - DELTA R - RADIUS L - ARC LENGTH (B.B.) - BASIS OF BEARING (N.R.) - NON RADIAL N&D - NAIL AND DISK CONC. - CONCRETE ASPH. - ASPHALT P.O.L. - POINT ON LINE PRM - PERMANENT REFERENCE MARKER B.S.L. - BUILDING SETBACK LINE</p>

Revised Dock
location + Boat Area added

