



Planning and Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Board of Adjustment Members
FROM: Paul Body, Senior Planner
Thru: Trina Gilliam, Planning & Zoning Manager
SUBJECT: Variance Staff Comments for Wednesday, April 15, 2026
DATE: March 9, 2026

DISTRICT 4

(26V00012) Salvatore Mannino Jr. (Deborah Mannino) requests a variance of Chapter 62, Article VI, Brevard County Code as follows; Section 62-1543(4) to allow 23.5 ft. from the 200 ft. lot depth required in an IU (Light Industrial) zoning classification. This request represents the applicant's request to subdivide the parcel into two parcels and sale one of the parcels. The applicant states that the way the parcel is configured, there is not enough depth to subdivide the parcel. This request equates to a 12% deviation of what the code allows. There are no variances approved to lot depth size 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 with a revision date of 1/28/2026.

Is the request due to a Code Enforcement action? **NO.**

Prerequisites to granting of variance:

A variance may be granted when it will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary and undue hardship. The term "undue hardship" has a specific legal definition in this context and essentially means that without the requested variance, the applicant will have no reasonable use of the subject property under existing development regulations. Personal medical reasons shall not be considered as grounds for establishing undue hardship sufficient to qualify an applicant for a variance. Economic reasons may be considered only in instances where a landowner cannot yield a reasonable use and/or reasonable return under the existing land development regulations. You have the right to consult a private attorney for assistance.

In order to authorize any variance from the terms of this chapter, the Board of Adjustment shall find all of the following factors to exist:

(1) That special conditions and circumstances exist which are not applicable to other lands, structures or buildings in the applicable zoning classification:

Applicant response: No – will not adversely affect other locations.

Staff response: **The parcel has metal two buildings that were built in 1987 and are being used for light manufacturing. Splitting the parcel into two parcel, the two buildings will meet building setback requirements, and the uses will remain the same for the IU (Light Industrial) zoning classification.**

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

Applicant response: Because of the orientation of the lot.

Staff response: **The way the parcel is configured, there is not enough lot depth to subdivide the parcel.**

(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: Will keep the same zoning.

Staff response: **The IU (Light Industrial) zoning classification will remain along with the permitted uses.**

(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: Yes, without variance will not be able to split property and sell.

Staff response: **The IU zoning requires a minimum lot size of 20,000 square feet, a minimum lot width of 100 feet and a minimum lot depth of 200 feet. The way the parcel is configured, there is not enough lot depth to subdivide the parcel.**

(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, it was two building and addresses. This is the minimum variance required.

Staff response: **This is the minimum variance required for the applicant to split the parcel into two parcels.**

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

Applicant response: Yes, it will not affect public welfare.

Staff response: **The parcel has metal two buildings that were built in 1987 and are being used for light manufacturing. Splitting the parcel into two parcel, the two buildings will meet building setback requirements, and the uses will remain the same for the IU (Light Industrial) zoning classification.**