



BOARD OF COUNTY COMMISSIONERS

## Inter-Office Memo

TO: Board of Adjustment Members  
FROM: Paul Body, Senior Planner  
Thru: Jeffrey Ball, AICP, Planning & Zoning Manager  
SUBJECT: Variance Staff Comments for Wednesday, April 17, 2024  
DATE: March 25, 2024

### DISTRICT 2

**1. (24V00008) Monica & Thomas E. Phillips** (Matthew Denyer) requests variances of Chapter 62, Article VI, Brevard County Code, 1.) Section 62-1340(5)(b), to permit a variance of 6.5 ft. from the required 7.5-ft. minimum side (East) setback required for an accessory structure, 2.) Section 62-1340(5)(b), to permit a variance of 7 ft. from the required 7.5-ft. minimum rear setback required for an accessory structure, and 3.) Section 62-2121(a), to permit a variance of 9.5 ft. from the minimum 10-ft. setback from a seawall or bulkhead in an RU-1-11 (Single-Family Residential) zoning classification. This request represents the applicant's request to build a 532 sq. ft. accessory structure (covered shade structure). The applicant states there is no other area to place the shade structure. A portion of the side and rear 5 foot wide Public Utilities and Drainage Easements the proposed accessory structure is located in was vacated by the Board of County Commissioners on February 6, 2024, per Resolution 2024-012. The first request equates to an 87% deviation of what the code allows. The second request equates to a 93% deviation of what the code allows. The third request equates to a 95% deviation of what the code allows. There are no variances to the accessory 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 the variances, it may want to limit its approval as depicted on the survey provided by the applicant with a survey date of 9/08/2023.