



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, October 15, 2025

DATE: September 16, 2025

DISTRICT 4

(25V00033) Cheryl L. and Victor J. Hooper (Sam Dicpetris) request two variances of Chapter 62, Article VI, Brevard County Code as follows; 1.) Section 62-2121(a) to permit 9 ft. from the required 10 ft. separation from a seawall or bulkhead for construction of a swimming pool; and 2.) Section 62-2123(b) to permit 17.5 ft. from the required 20 ft. front setback for a swimming pool on a double frontage lot on a major natural water body (Banana River) in an RU-1-13 (Single-Family Residential) zoning classification. This request represents the applicants' request to build a swimming pool. The applicants state that unique shape of the parcel at the southern tip of Merritt Island and the location of the existing house leaves very little space to build a swimming pool. The applicants state the house was built by a previous owner and was in this location when they purchased parcel. The first request equates to a 90% deviation to what the code allows. The second request equates to an 88% deviation to what the code allows. There are two variances approved to the swimming pool setbacks in the immediate area. There is no code enforcement action pending with the Brevard County Planning & Development Department. If the Board approves the variance, it may want to limit its approval as depicted on the survey provided by the applicant with a date of 7/01/2025.