



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, August 19, 2026

DATE: July 9, 2026

DISTRICT 3

(26V00049) George and Carolyn Meyer (Dwayne Dingus) request two variances of Chapter 62, Article VI, Brevard County Code as follows; 1.) Section 62-1405(6)(a) to allow 0.7 ft. from the required 7.5 ft. side (south) setback for the principal structure; and 2.) Section 62-1405(1)(c)(2) to allow 246 sq. ft. over the 50% sq. ft. (677 sq. ft.) for all attachments for a double wide mobile home in a TRC-1 (Single-Family Mobile Home Cooperative) zoning classification. This request represents the applicants' desire to convert the existing carport into a garage via a building permit (26BC05904). The applicants state the existing residence was purchased with the existing encroachments. The first request equates to 9.3% deviation of the required code. The second request equates to 36% deviation over the required code. There is no code enforcement action pending with the Brevard County Planning and Development Department. If the Board wishes to approve these variances, it may wish to limit its approval to the location depicted on the survey provided by the applicant dated 03/04/2022.

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: The property was purchased with unknown preexisting setback issue.

Staff response: Prior to the current owners purchasing the property, the attachments to the existing home were built encroaching 0.7 feet into the required 7.5-foot side setback, and exceeding the 677 square feet allowed for all attachments based on the size of the double wide mobile home.

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

Applicant response: All issues were preexisting at time of purchase.

Staff response: The applicant did not create the setback encroachments or the attachment to exceed the maximum sq. ft. allowed.

(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: No, it will not as the property has been in this configuration as originally built.

Staff response: The applicant would like to convert the existing carport into a garage. Many homes in Barefoot Bay have enclosed additions and the request does not confer any special privilege to this property. A variance of 0.7 feet to the required 7.5-foot side setback and 246 square feet over the 677 square feet allowed for all attachments in the TRC-1 zoning are necessary to legitimize the existing structure and allow the proposed improvements.

(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: Without a variance we cannot legally make improvements.

Staff response: Literal enforcement of this chapter would require the applicant to relocate the existing additions to the home to meet the setbacks and reduce the sq. ft. of all attachments to the Mobile Home.

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

Applicant response: This is correct.

Staff response: The requested variance to the side setback and square feet allowed for all attachments is the minimum required to legitimize the existing additions and allow the proposed garage.

(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: This is accurate.

Staff response: The mobile home and the attachments appear to be in this location and configuration for over 16 years. Granting the proposed variance should be in harmony with the general intent of this chapter and should not be injurious to the area involved or detrimental to the public welfare.