



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 28, 2026

DISTRICT 3

(26V00043) Allan Jackson requests a variance of Chapter 62, Article VI, Brevard County Code as follows; Section 62-1405(6)(a) to allow 10.3 ft. from the required 20 ft. front setback for the primary structure and attachments in a TRC-1 (Single-Family Mobile Home Cooperative) zoning classification. This request represents the applicants' desire to legitimize an existing Mobile Home and attachments to constructing a new aluminum screen enclosure addition to the side of the Mobile home via building permit (26BC19680). The applicant states the existing mobile home, and attachments were built by a previous owner and were in this location and configuration when he purchase the property on August 14, 2025. It appears the Mobile home and the attachments have been in this location and configuration for over 16 years. All of Barefoot Bay has a blanket variance (V-472) to the front and rear setbacks. This variance (V-472) permits a front setback of 10 feet for the home and attachments. The existing screen enclosed carport and utility room do not meet the approved front variance (V-472) setbacks and requires a new variance to legitimize improvements. This request equates to 0.52% of 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 with a date of 08/04/2025.

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 house and other structures on the property were built in 1985 and I didn't have a say in where the structures were positioned on the property.

Staff response: The Brevard County Property Appraiser's site states that the existing Mobile Home was built in 1985. The Mobile home and the attachments have been in this location and configuration for over 16 years.

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

Applicant response: The structures were already built when I moved in.

Staff response: The existing mobile home, and attachments were built by a previous owner and were in this location and configuration when the applicant purchase the property on August 14, 2025.

(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: Granting the variance will allow a screen enclosure to be installed.

Staff response: This request represents the applicant's desire to legitimize an existing Mobile Home and attachments to constructing a new aluminum screen enclosure addition to the side of the Mobile home via building permit (26BC19680).

(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: The screen enclosure that is in the works does not violate setback requirements.

Staff response: The proposed new aluminum screen enclosure meets the zoning 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 enclosure that is already on the property missed the 10 ft. front setback requirement from 1974 by about five inches.

Staff response: The existing screen enclosed carport and utility room are 0.3 ft. into the 10 ft. setback permitted per variance V-472.

(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: Granting the variance will allow a screen enclosure to be installed and enjoyed.

Staff response: The Mobile home and the attachments have been in this location and configuration for over 16 years and the structures have no code enforcement actions.