



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, June 17, 2026

DATE: May 29, 2026

DISTRICT 3

(26V00030) William G. and Paula J. Naber (Andrew Catropa) request two variances of Chapter 62, Article VI, Brevard County Code as follows; 1.) Section 62-1340(5)(a) to allow 7.9 ft. from the required 20 ft. front setback for a structure; and 2.) 62-1340(5)(b) to allow an accessory structure to be located forward of the front building line in an RU-1-13 (Single-Family Residential) zoning classification. This request represents the applicants' request to permit and build a proposed 625 sq. ft. accessory structure (garage). The applicant states that the shape of the west 100 feet portion of their lot narrows to 30.25' wide at the west property line with a radial curve at the south property line making this area of the lot practically unbuildable without exceeding past the front of the current dwelling and encroaching the current front building set back to construct our proposed garage. The first request equates to a 40% deviation of what the code allows. There are no variances approved to the structure setback requirement or accessory structure location requirement 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 date of 3/06/2026.

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: The west (102.61') portion of lot 20 narrows to 30.25' wide at the west property line with a radial curve at the south property line making this area of lot 20 practically unbuildable without exceeding past the front of the current dwelling and encroaching the current south 25' building setback to construct our proposed accessory structure.

Staff response: The parcel, as Platted, has a waterway (canal) that is located at the northwest corner of the parcel, which creates an unusual, shaped lot. The front building setback for a structure is 20 feet not 25 feet.

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

Applicant response: The current building setbacks effect the west portion of lot 20 making this large area unbuildable.

Staff response: The parcel was Platted in this configuration and is not a result of the actions of the applicants.

(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: The proposed accessory structure would encroach 12.9' at the SW building corner, 7.6' at the SE building corner due to the south 25' building setback and set toward approximately five feet, however this structure at its proposed location will be at a minimum 25' from edge of pavement roadway at the structure closest point and not encroaching into any utility easement.

Staff response: The proposed accessory structure will encroach into the 20 feet front building setback requirement, not a 25 feet setback.

(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 current lot setbacks cause the hardship to utilize any improvement to this large section of the lot prohibiting the increase of lot value with an accessory structure.

Staff response: The parcel, as Platted, has a waterway (canal) that is located at the northwest corner of the parcel, which creates an unusual, shaped lot.

(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 accessory structure will only effect the southern 25' setback and as the proposed footprint be set toward five feet past the existing dwelling but, will not affect the other lot setbacks shown on the proposed plot plan.

Staff response: The proposed accessory structure will encroach into the 20 feet front building setback requirement, not a 25 feet setback. The variances requested are the minimum variances required for the proposed accessory structure.

(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: The proposed location will not affect line of site of ingress or egress of the existing driveway location and does not create any effect to vehicle operation of Nikomas Way.

Staff response: There are no parcels or homes to the west of the subject parcel along the north side of Nikomas Way that would be affected by the line of site for ingress or egress from the proposed accessory location.