



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, November 19, 2025

DATE: October 20, 2025

DISTRICT 1

(25V00060) Robert and Levenia G. Nieman request six variances of Chapter 62, Article VI, Brevard County Code as follows; 1.) Section 62-2100.5(d) to allow 21 sq. ft. over the maximum size allowed (1,011 sq. ft.) for an accessory structure; 2.) Section 62-1331(4) to allow 160 ft. from the required 300 ft. lot width; 3.) Section 62-1331(4) to allow 4 acres from the required 5-acre lot size; 4.) Section 62-1331(5)b to allow 6.9 ft. from the required 15 ft. side (south) street setback for an accessory structure; 5.) Section 62-1331(5)b to allow 11.3 ft. from the required 15 ft. side (north) setback for an accessory structure; and 6.) Section 62-1331(5)b to allow 10.5 ft. from the required 15 ft. side (north) setback for an accessory structure in a GU (General Use) zoning classification. This request represents the applicants' request to legitimize the size requirements of an existing parcel along with legitimizing three existing accessory structures on the parcel. The applicants state the parcel was in this size configuration when they purchase the parcel in May 1999. They also state the property was subdivided into this configuration per Survey Book 2, page 59 in October 1961. The applicants also state the accessory structures on the north side of the property were in this configuration when they purchased the property in 1999. And the accessory structure on the south side of the property was purchased and installed by a local contractor in 2000 and the setback issues were not known to them. The first request equates to a 2% deviation to what the code allows. The second request equates to a 53% deviation to what the code allows. The third request equates to an 80% deviation to what the code allows. The fourth request equates to a 46% deviation to what the code allows. The fifth request equates to a 75% deviation to what the code allows. The sixth request equates to a 70% deviation to what the code allows. There are no variances approved to the accessory size requirements in the immediate area. There are no variances approved to the lot size requirement in the immediate area. There are no variances approved to accessory setback requirements 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 and provided by the applicant with a date of 9/03/2005.