



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Board of Adjustment Members

FROM: Paul Body, Senior Planner

Thru: Jeffrey Ball, AICP, Planning & Zoning Manager

SUBJECT: Variance Staff Comments for Wednesday, August 14, 2024

DATE: July 29, 2024

DISTRICT 2

2. (24V00015) Jack Kitchin (Victor Watson) requests variances of Chapter 62, Article VI, Brevard County Code as follows, 1.) Section 62-1340(5)(a), to permit a variance of 9 ft. from the 20-ft. front setback required for a structure (detached garage); and 2.) Section 62-1340(5)(a), to permit a variance of 2.5 ft. from the required 7.5 ft. side (south) setback for a principal structure in an RU-1-11 (Single-Family Residential) zoning classification. This request represents the applicant's desire to build an accessory structure (garage) and an attached covered porch to the house. The applicant states, that the proposed accessory structure will be located on a cul-de-sac and the parcel is shallow in depth to build an accessory structure. Per section 62-2116, *Parcels of land divided by public right-of-way: Where the land area on either side of the public or private right-of-way or road fails to meet the minimum requirements for lot size in the designated zoning classification, then the landowner shall be deemed the owner of one lot, plot, tract or parcel for the purposes of this chapter, and the principal structure or dwelling unit shall be located on the side or part having the greater land area.* The applicant purchased a portion of Lot 41 along the cul-de-sac and combined it with his river front parcel on October 22, 2021. The applicant also states the covered porch will allow access to an existing wood deck. The first request equates to a 45% deviation of what the code allows. The second request equates to a 33% deviation of what the code allows. There are no variances to the front setback requirement for an accessory structure in the immediate area. There is one variances to the side setback requirement for the principal structure in the immediate area. There is no code enforcement action pending with the Brevard County Planning and 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 revision date of 7/12/2024.