



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, March 18, 2026  
DATE: March 2, 2026

### DISTRICT 2

**(26V00009) Elevation Renovation LLC** (Clifford R. Repperger, Jr.) requests two variances of Chapter 62, Article VI, Brevard County Code as follows; 1.) Section 62-1340(5)(a) to allow 11 ft. from the required 20 ft. rear setback for the principal structure; and 2.) Section 62-1340(5)(a) to allow 0.3 ft. from the required 7.5 ft. side (north) setback for the principal structure in an RU-1-11 (Single-Family Residential) zoning classification. This request represents the applicant's request to legitimize an existing single-family residence to apply for renovation building permits. The applicant states the single family home has been in this location and configuration for over 20 years. The applicant also states that the house was built by a previous owner and was in this configuration when they purchased the parcel on October 30, 2025. The first request equates to a 55% deviation of what the code allows. The second request equates to a 4% deviation of what the code allows. There are no variances to the principal structure rear setback requirement or side setback requirement in the immediate area. There is no code enforcement actions pending with Brevard County Planning and Development Department. If the Board approves this variance, it may want to limit its approval as depicted on the survey provided by the applicant with a date of 10/17/2025.

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 Subject Property is Lot 53, Block C of the Riviera Isles Section 4 platted subdivision as recorded in Plat Book 21, Page 139, Public Records of Brevard County. The lot was established in 1968.

The Subject Property has a unique pie-shaped configuration and is situated at the end of a cul-de-sac which is the eastern terminus for E. Riviera Drive. The Subject Property has narrow frontage on its west side along the right-of-way (as opposed to the majority of other lots in the subdivision) with angular side setback lines. The building envelope widens toward the rear of the property which abuts the Banana River to the east. This unique lot orientation has resulted in the existing residential structure (initially constructed in 1973) to have been situated closer to the rear property line than currently allowable by County Code. The property is currently zoned RU-1-11, which requires a rear setback of 20 feet and a side setback of 7.5 feet.

The footprint of the existing residential structure has been essentially the same since initial construction and includes an accessory use pool, pool deck, and enclosure that are in compliance with current County Code setback requirements. The rear portion of the residential structure is set back approximately 9.09 feet from the rear property line adjacent to the Banana River. Additionally, the residential structure is set back approximately 7.21 feet from the north side lot line.

The current owner acquired the Subject Property in 2025 with the lot configuration, residential structure and building envelope long-since established. The current owner is currently planning to renovate the existing structure without making any changes to the established and longstanding footprint. However, given the setback encroachments as described, the owner is unable to proceed with the planned renovation without the requested variance.

The following variances are being requested: (1) A variance 10.91 feet from the required 20 foot setback required along the rear of the Subject Property and (2) a variance of 0.29 feet from the required 7.5 foot setback required on the north side lot line of the Subject Property.

Staff response: **The single family home has been in this location and configuration for over 20 years. It is unknown how the original single-family home was built and configured on the parcel in 1973. The applicant states that the house was built by a previous owner and was in this configuration when they purchased the parcel on October 30, 2025.**

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

Applicant response: The plat of Riviera Isles, dedicated in 1968, established the existing configuration of the Subject Property. The residential structure and primary existing building footprint have existed on the Subject Property since approximately 1973. The current owner acquired the Subject Property in 2025 with the lot configuration, residential structure, and building envelope long-since established.

Staff response: **The single family home has been in this location and configuration for over 20 years. It is unknown how the original single-family home was built and configured on the parcel in 1973. The applicant states that the house was built by a previous owner and was in this configuration when they purchased the parcel on October 30, 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: The Applicant is requesting only the ability to provide for similar usage of the Subject Property as is enjoyed by other similarly situated properties within the same subdivision and same zoning classification (RU-1-11). The Applicant is proposing to use the existing footprint residential structure that has historically existed on the Subject Property since its initial development. The Applicant is only seeking to renovate a residential structure for use consistent with other residential uses in the Riviera Isles subdivision and RU-1-11 zoning classification.

Staff response: **The applicant states that the renovation is to use the existing footprint of the residential structure. The single-family home is currently one story. If the Board approves the variance requested, the Board may wish to limit the approval to only one story renovation.**

(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: Literal enforcement of the Land Development Code provisions would deprive the Applicant of the right to renovate the residential structure for use consistent with other properties located within the RU-1-11 zoning classification. Further, literal enforcement of the Land Development Code will result in an unnecessary and undue hardship on the Subject Property by depriving the current owner of the same reasonable use and enjoyment of the residential structure that has continuously existed on the Subject Property since 1973.

Staff response: **The applicant states without the approval of the requested variances they would not be able to renovate the single-family home in the configuration and location it is today.**

(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 Applicants are seeking the exact minimum variances needed to correct the nonconforming status of the Subject Property, and to allow for the renovation of the residential structure. Granting of the requested variances will not expand, intensify, or otherwise materially alter the existing nonconforming footprint of the residential structure.

Staff response: **The applicant states that the renovation is to use the existing footprint of the residential structure and granting of the requested variances will not expand, intensify, or otherwise materially alter the existing footprint of the residential structure. The single-family home is currently one story. If the Board approves the variance requested, the Board may wish to limit the approval to only one story renovation.**

(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 requested variances will not detrimentally affect any adjacent or neighboring properties, or the general welfare of the subdivision, as evidenced by the fact that the residential use of the Subject Property has remained in the same basic footprint since 1973. The renovation of the residential structure will be of benefit to the community overall. The Subject Property has no adjacent neighbor to the east (Banana River) and the immediately adjacent property to the north was initially developed in 1972. The northern existing setback encroachment is less than one half inch. As such, the requested setback variances will have no detrimental effect on any adjacent property owners.

Staff response: **The single family home has been in this location and configuration for over 20 years. It is unknown how the original single-family home was built and configured on the parcel in 1973. The applicant states that the renovation is to use the existing footprint of the residential structure and granting of the requested variances will not expand, intensify, or otherwise materially alter the existing footprint of the residential structure.**