



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Board of Adjustment Members

FROM: Paul Body, Senior Planner

Thru: Trina Gilliam, Interim Planning & Zoning Manager

SUBJECT: Variance Staff Comments for Wednesday, February 19, 2025

DATE: January 8, 2025

DISTRICT 2

(24V00051) Timothy Scott Gannon and Denise Irene Gannon request variances of Chapter 62, Article VI, Brevard County Code as follows, 1.) Section 62-1340(5)(b) to allow 4.9 ft from the 5 ft separation distance required for an accessory structure; and 2.) 62-1340(5)(b) for 7.4 ft from the northeast 7.5 ft side setback for an accessory structure in an RU-1-11 (Single-Family Residential) zoning classification. This request represents the applicants' request to legitimize an existing accessory structure (covered patio) built without building permit. This request was previously heard by the Board of Adjustment on October 16, 2024, and was denied approval. The applicants have since moved the accessory structure an additional 0.1 feet from the northeast side property line along with a separation distance of 0.1 feet. The applicants state with the size of their lot there is no other location on the property for the accessory structure. The Board of County Commission vacated the Public Utilities Easements the accessory structures encroached into per Resolution 2024-062. This request is for the accessory structure (covered patio) located off the northeast side property line only and does not legitimize other code violations on the property. The first request equates to an 98% deviation to what the code allows. The second request equates to an 99% deviation to what the code allows. There is one variance approved to the accessory setback requirements in the immediate area. There is a code enforcement action (23CE-01280) 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 field date of 12/18/2024.