



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, December 17, 2025

DATE: November 21, 2025

DISTRICT 1

(25V00072) Dale O'Connor and Patricia Rivera (Monica Pritchard) request three variances of Chapter 62, Article VI, Brevard County Code as follows; 1.) Section 62-1341(5)(b) to allow 5 ft. from the 7.5 ft. (north) side setback for an accessory structure; 2.) Section 62-1341(5)(b) to allow 1.5 ft. from the rear 7.5 ft. setback for an accessory structure; and 3.) Section 62-2109(a) to allow 2 ft. above the 6 ft. height limit for a fence in an RU-1-9 (Single-Family Residential) zoning classification. This request represents the applicants' request to legitimize an existing accessory structure (shed) and building an 8 feet high fence along their south property line. The applicant states that the accessory structure was built by a previous owner over 15 years ago and was in this configuration when they purchased the property on January 26, 2018. The applicants also state they need the extra fence height due to unsightly shipping containers and junk vehicles on the abutting parcel to their south. The Board of County Commission vacated the Public Utilities Easements the accessory structure (shed) encroaches into per Resolution 2025-107. The first request equates to an 67% deviation to what the code allows. The second request equates to an 20% deviation to what the code allows. The third request equates to an 33% 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 (25CE-00892) 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 date of 7/08/2025.