



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, April 15, 2026
DATE: March 4, 2026

DISTRICT 4

(26V00015) Cynthia L. Roebuck and Steven Reardon request a variance of Chapter 62, Article VI, Brevard County Code as follows; Section 62-1340(5)(a) to allow 4 ft. from the 7.5 ft. side (south) setback for a screen porch in an RU-1-11 (Single-Family Residential) zoning classification. This request represents the applicants' request to legitimize an existing screen porch to be able to rebuild it in the same location. The applicants state the screen porch was built in 1982 and was replaced after the hurricanes of 2004. This request equates to a 53% deviation of what the code allows. There are no variances approved to screen porch side 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 with a revision date of 5/12/2008.

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 structure was originally built in 1982. After the Hurricanes of 2004, it was replaced due to damages.

Staff response: **The screen porch was built in 1982 and was rebuilt in 2005 after the Hurricanes of 2004.**

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

Applicant response: In 2005 the permitting was waived.

Staff response: **The Building Department waived permit requirements for Hurricane damaged structures from the 2004 Hurricanes.**

(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: We are putting the structure back the same way it was built back in 1982.

Staff response: **Applicants have a building permit 26BC00715 to replace the screen porch in the same location.**

(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: Yes, the structure has been here since 1982.

Staff response: **Applicants have a building permit 26BC00715 to replace the screen porch in the same location. The screen porch would need to be modified to meet the required setback.**

(5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure:

Applicant response: Yes, this is the minimum variance requested.

Staff response: **This is the minimum variance required to replace the existing screen porch in the location it has existed since 1982.**

(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: Yes, it has been here for 44 years and has never bothered anyone.

Staff response: **The screen porch has been in this location and configuration since 1982. There is no code enforcement action pending with the Brevard County Planning & Development Department for the screen porch.**