



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, August 19, 2026

DATE: July 9, 2026

DISTRICT 1

(26V00050) Donald Mann requests three variances of Chapter 62, Article VI, Brevard County Code as follows; 1.) Section 62-2100.5(d) to allow 1,050 sq. ft. over the 600 sq. ft. permitted for an accessory structure; 2.) Section 62-2100.5(b) to allow 1,263 sq. ft. over the total floor area (891 sq. ft.) of the principal structure for all detached accessory buildings; and 3.) Section 62-1401(5)(b) to allow 1.9 ft. from the required 15 ft. side (west) setback for an accessory structure in an RRMH-1 (Rural Residential Mobile Home) zoning classification. This request represents the applicants' desire to legitimize existing accessory structures in order to permit a new mobile home installation via a building permit (26BC02392). The applicant states the accessory structures were present when he purchased the property on February 28, 2025. In 1982, A-0057 was approved to allow an accessory structure (garage) not to exceed 816 square feet. The current garage structure exceeds the 816 square feet allowed and requires a variance to legitimize the size. The first request equates to 57% of the required code. The second request equates to 70% of the required code. The third request equates to 13% of the required code. There is one variance approved to allow an accessory structure to exceed the maximum square feet limitation in the immediate area. There is a code enforcement action (25CE-02126) pending with the Brevard County Planning and Development Department. If the Board wishes to approve these variances, it may wish to limit its approval to the location depicted on the survey provided by the applicant dated 06/22/2026.

Is the request due to a Code Enforcement action? **YES**

If Yes, indicate case number **25CE-02126**, and

Name of contractor: Superior Siding Solutions, LLC.

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: Current owner of property restores antique cars for a hobby. The big garage was the major factor for buying the property. No other property has a garage of this size.

Staff response: In 1982, A-0057 was approved to allow an accessory structure (garage) not to exceed 816 square feet. The garage structure is now 1,650 square feet, and it appears this size in aerial views of the property going back to 2010. It appears that the other accessory structures may have been added by a previous owner also. The current owner purchased the property on February 28, 2025.

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

Applicant response: The property was purchased by the current owner. Building was present on 2010 maps of real estate and has not been added on to.

Staff response: The enlarged garage structure appears in aerial views of the property going back to 2010. It appears that the other accessory structures may have been added by a previous owner also. The current owners purchased the property on February 28, 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 surrounding properties have structures at least the size or bigger. Current owner restores antique cars for a hobby is the reason for buying the property.

Staff response: Accessory structures are permitted in the parcel's RRMH-1 zoning classification subject to setback and size requirements.

(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: To not be able to use the garage will result in the owner to tear down structure. The cost for reducing the size of the garage is estimated to be \$25,000. Then the garage will be too small for working space.

Staff response: Literal enforcement of the provisions of this chapter would require the current owner to modify or remove the accessory structures to meet the size limitations and setback requirements.

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

Applicant response: To be able to use all of the buildings space currently there will allow more steps to be completed without having to start over or re-setup chassis jigs for reinstalling sheet metal and bodies.

Staff response: The variance requested is the minimum variance required to legitimize the accessory structures as depicted on the survey provided by the applicant dated 06/22/2026.

(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: There will not be a lot of noise generated from inside the building with 1 person doing the work. Welding and frame jigs will be able to sit inside building instead of outside.

Staff response: Granting the proposed variance should be in harmony with the general intent of this chapter and should not be injurious to the area involved or detrimental to the public welfare.