



Board of Adjustment
Brevard County Government Center
2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida
Agenda
Wednesday, June 19, 2024

Call To Order - 1:30 PM

Approval of Minutes - May 15, 2024

G. Public Hearings

- G.1.** Alexis & Kelsey Fajardo (Kim Rezanka) request a variance for a principal structure in an RU-1-9 (Single-Family Residential) zoning classification. (24V00017) (Tax Account 2419928) (District 2)
- G.2.** MJ Coop, LLC requests a variance for lot width in an RRMH-1 (Rural Residential Mobile Home) zoning classification. (24V00020) (Tax Account 2000674) (District 1)
- G.3.** MJ Coop, LLC requests a variance for lot width in an RRMH-1 (Rural Residential Mobile Home) zoning classification. (24V00021) (Tax Account 2000676) (District 1)

Public Comment

Adjournment

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify the Planning and Development Department no later than 48 hours prior to the meeting at (321) 633-2069.

Assisted listening system receivers are available for the hearing impaired and can be obtained from SCGTV staff at the meeting. We respectfully request that ALL ELECTRONIC ITEMS and CELL PHONE REMAIN OFF while the Planning and Zoning Board is in session. Thank You.

This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Spectrum Cable Channel 499, Comcast (North Brevard) Cable Channel 51, and Comcast (South Brevard) Cable Channel 13 and AT&T U-verse Channel 99. SCGTV will also replay this meeting during the coming month on its 24-hour video server nights, weekends, and holidays. Check the SCGTV website for daily program updates at <http://www.brevardfl.gov>. The Agenda may be viewed at: <http://www.brevardfl.gov/Board Meetings>



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.1.

6/19/2024

Subject:

Alexis & Kelsey Fajardo (Kim Rezanka) request a variance for a principal structure in an RU-1-9 (Single-Family Residential) zoning classification. (24V00017) (Tax Account 2419928) (District 2)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of Adjustment conduct a public hearing to consider a variance for a principal structure in an RU-1-9 (Single-Family Residential) zoning classification.

Summary Explanation and Background:

Alexis & Kelsey Fajardo (Kim Rezanka) request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1341(5)(a), to permit a variance of 10.75 ft. from the 20-ft. rear setback for a principal structure in an RU-1-9 (Single-Family Residential) zoning classification. The property is 0.2 acres, located on the east side of Butia St., approx. 773 ft. south of Queensland Ave. (940 Butia St., Merritt Island)

Clerk to the Board Instructions:

None



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

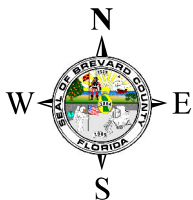
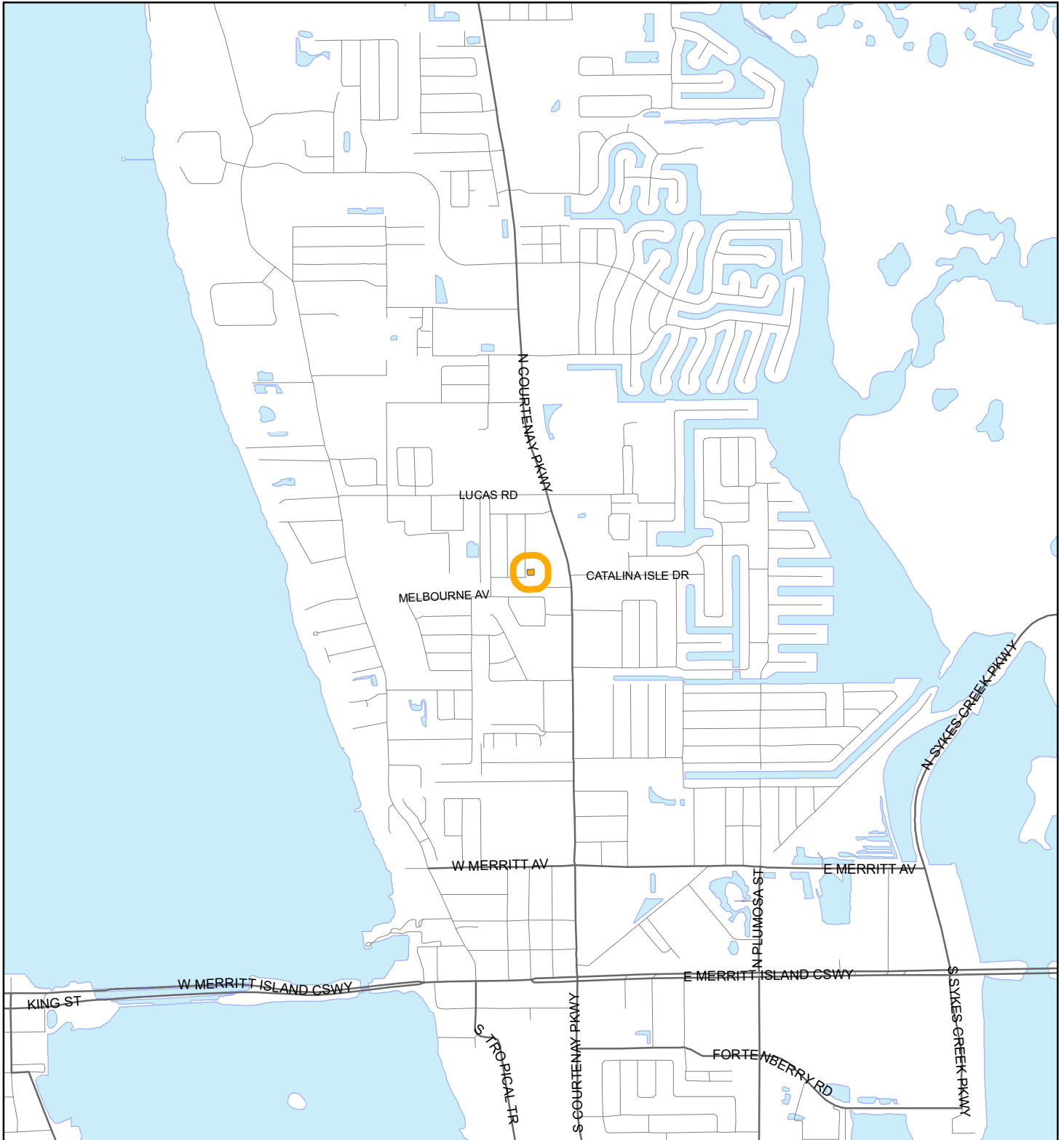
TO: Board of Adjustment Members
FROM: Paul Body, Senior Planner
Thru: Jeffrey Ball, AICP, Planning & Zoning Manager
SUBJECT: Variance Staff Comments for Wednesday, June 19, 2024
DATE: May 29, 2024

DISTRICT 2

1. **(24V00017) Alexis & Kelsey Fajardo (Kim Rezanka)** request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1341(5)(a), to permit a variance of 10.75 ft. from the 20-ft. rear setback for a principal structure in an RU-1-9 (Single-Family Residential) zoning classification. This request represents the applicants' request to legitimize an attached 310 sq. ft. accessory structure (covered patio) to final the building permit 21BC19034. The applicant states the building permit was issued and was never finalized. This request equates to a 54% deviation of what the code allows. There is one variance to the rear setback requirement for the principal structure in the immediate area. There is no code enforcement action 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 2/11/2024.

LOCATION MAP

Fajardo, Alexis & Kelsey
24V00017





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 200 feet

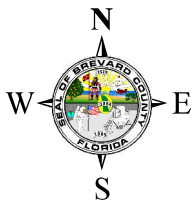
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/29/2024

-  Buffer
-  Subject Property

ZONING MAP


Fajardo, Alexis & Kelsey
24V00017



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/29/2024

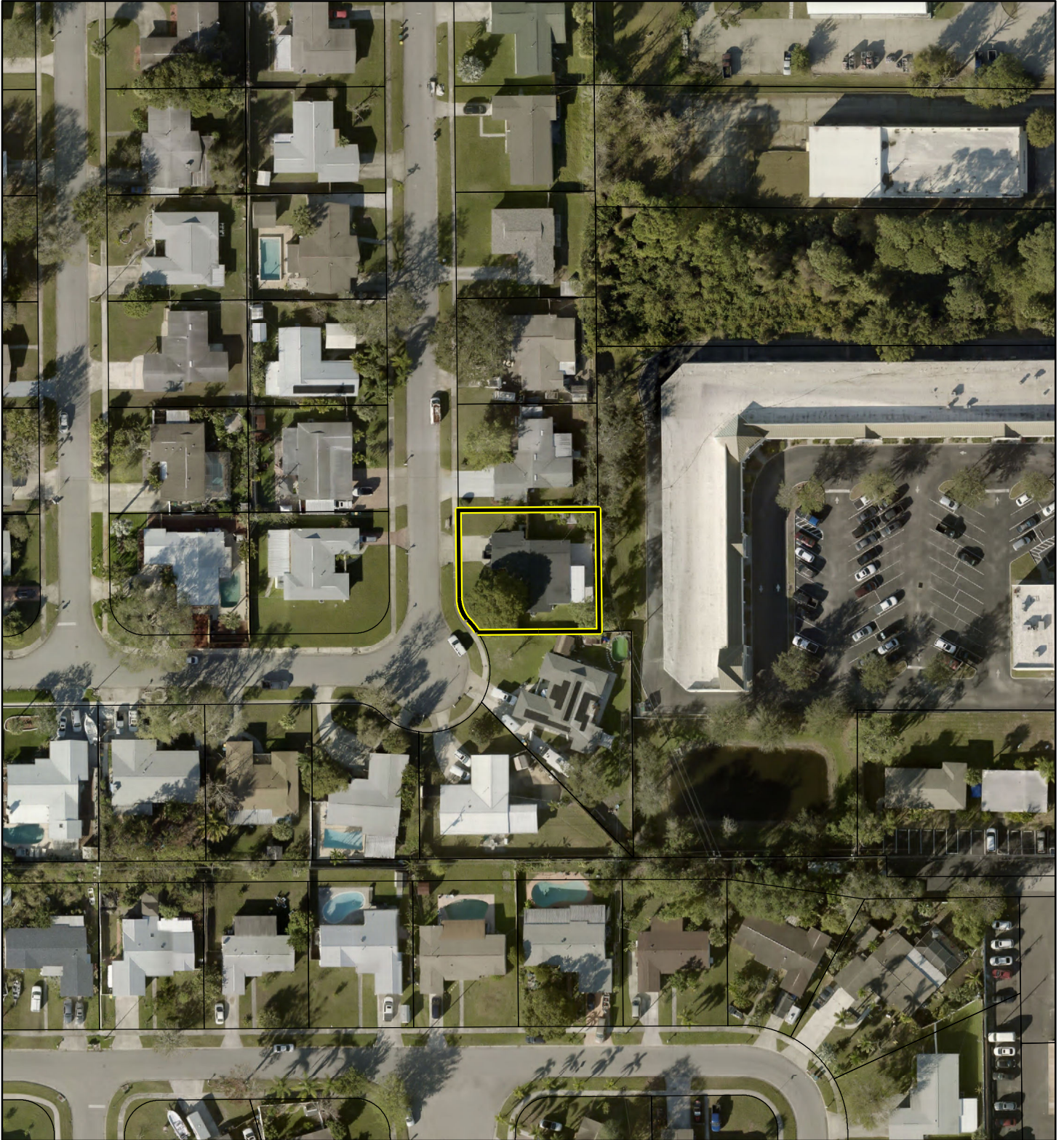
 Subject Property

 Parcels

 Zoning

AERIAL MAP

Fajardo, Alexis & Kelsey
24V00017




1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

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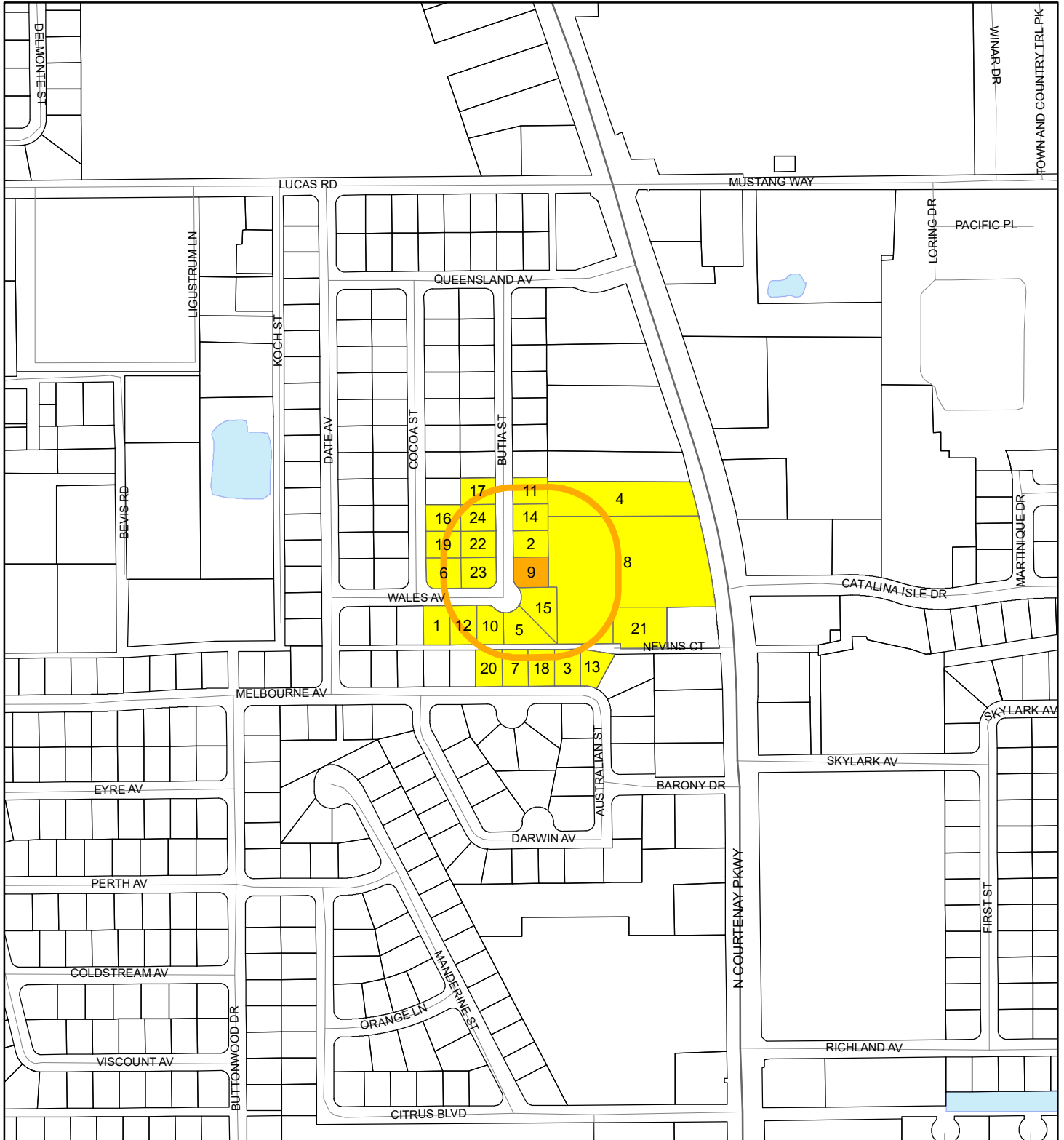
Produced by BoCC - GIS Date: 5/29/2024

 Subject Property

 Parcels

RADIUS MAP

Fajardo, Alexis & Kelsey
24V00017







1:4,800 or 1 inch = 400 feet

Buffer Distance: 200 feet

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Produced by BoCC - GIS Date: 5/29/2024

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels



BOARD OF COUNTY COMMISSIONERS

Planning and Development

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321) 633-2070 Phone

VARIANCE HARDSHIP WORKSHEET

Is the variance request due to a Code Enforcement action: Yes No

If yes, please indicate the case number and the name of the contractor:

Case Number: _____

Contractor: Atlantic Coast Construction NSB, LLC

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 Property located at 940 Butia Street, Merritt Island, was purchased by the applicant in 2020, with the house already located on the lot. The house was built in 1963. The aluminum shade structure was built in 2022 with corresponding building permit #21BC19034 issued by the County on January 26, 2022. The circumstances here are unique in that these same conditions will not apply to other properties. The present circumstances result from the fact that the building, built in 1963, was based on less precise survey technology at the time of the build. Therefore the building was within the required 20 foot setback causing the added aluminum shade structure to also fall within said setback. The house was nonconforming at the time of the issuance of the permit for the aluminum shade structure.

2. That the special conditions and circumstances do not result from the actions of the applicant.

Applicant Response:

In the present matter, the contractor, Atlantic Coast Construction NSB, LLC, relied on the best available information at the time when constructing and installing the aluminum shade structure. The building permit was also approved by the County with notations of a 10 foot required setback. This error was not due to the applicants own actions, but rather the applicants agent, Atlantic Coast Construction NCB, LLC.

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 approval of this requested variance will not confer any special privilege to the applicant that would be denied to other property owners in the same zoning classification of RU-1-9 (Single-Family Residential).

Many homes in the surrounding neighborhood, all zoned RU-1-9, were built in the 1960's, which has required many of those property owners to also seek variances for their buildings or structures so that the owners can add value to their properties, create a more comfortable living space, and contribute to a more inviting and aesthetically pleasing neighborhood.

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:

The building on this Property is 60 years old and it is therefore not economically feasible to move it. Additionally, moving the aluminum shade structure installed within the Code's required set back from the rear lot line poses an immense, almost insurmountable, challenge to the applicants.

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

Applicant Response:

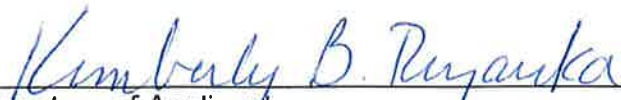
The applicant is seeking the minimum variance needed, 10.75 feet, to correct the nonconforming original house setback and the set back with the aluminum shade structure, to continue the reasonable use of the Property.

6. That the granting of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.


Applicant Response:

The building on this Property has intruded into the setback for the past 60 years without being detrimental to the public welfare. Therefore the granting of this variance will allow the applicants to cure the nonconforming status of the house and the aluminum shade structure. This will bring an added value to the Property, make the indoor/outdoor space more usable, livable, and comfortable, without detriment to the public.

I fully understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by a Planning and Development representative. I am fully aware it is my responsibility to prove complete compliance with the aforementioned criteria.



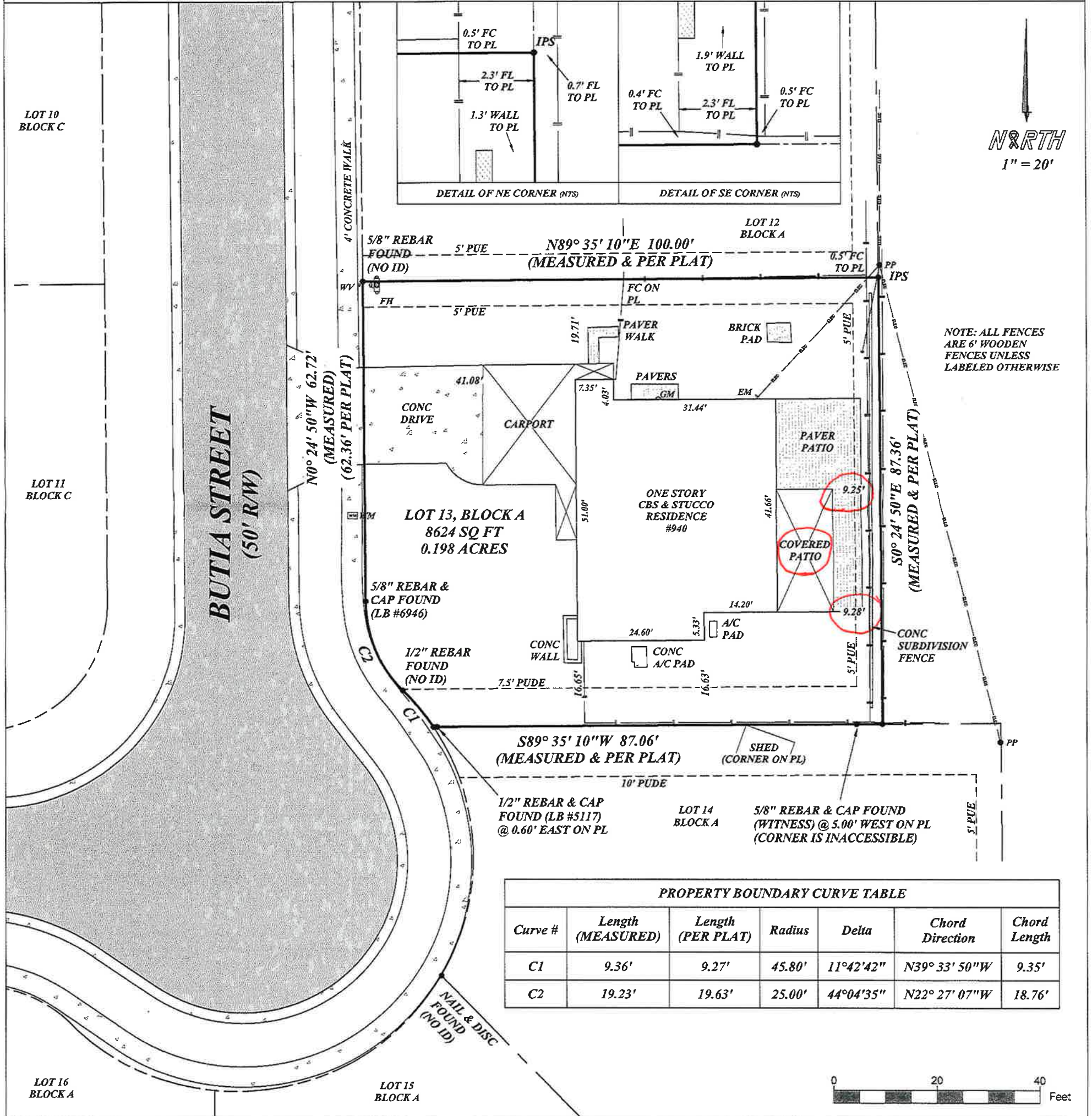
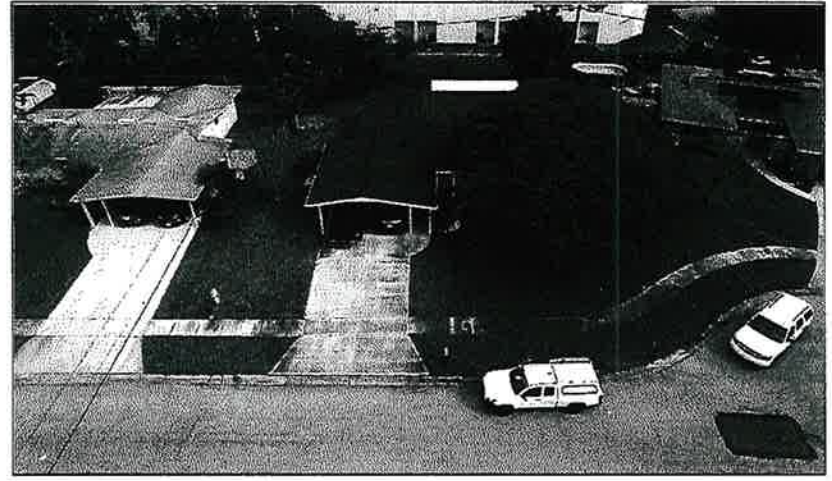
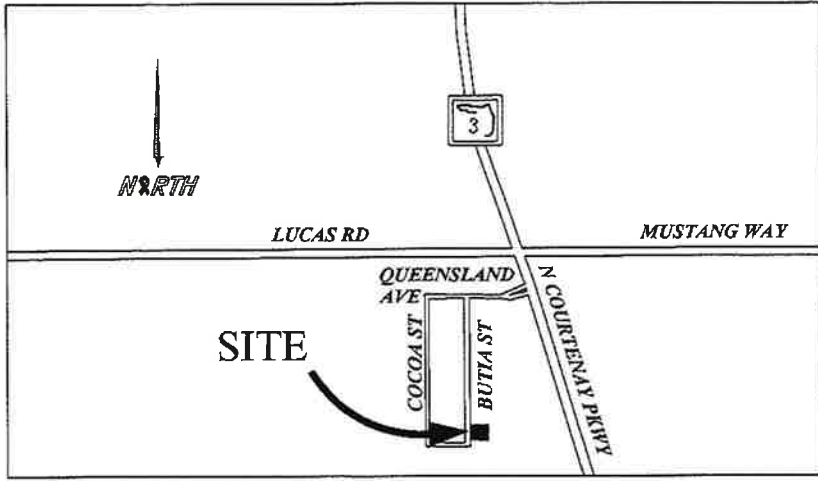
Signature of Applicant



Signature of Planner

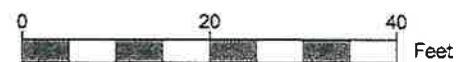
SITE MAP (NTS)

940 BUTIA STREET



NOTE: ALL FENCES ARE 6' WOODEN FENCES UNLESS LABELED OTHERWISE

PROPERTY BOUNDARY CURVE TABLE						
Curve #	Length (MEASURED)	Length (PER PLAT)	Radius	Delta	Chord Direction	Chord Length
C1	9.36'	9.27'	45.80'	11°42'42"	N39° 33' 50"W	9.35'
C2	19.23'	19.63'	25.00'	44°04'35"	N22° 27' 07"W	18.76'



CERTIFICATION OF THIS SURVEY INCLUDES BOTH SHEET 1 OF 2 AND SHEET 2 OF 2. PRINTED COPIES OF THIS SURVEY MUST INCLUDE BOTH SHEETS IN ORDER TO BE VALID.

THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY ERIC K. MASON, PSM ON THE DATE SHOWN USING A DIGITAL SIGNATURE.

PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

Date: February 25, 2024
Eric K. Mason, PSM LS #7342
eric.mason@epic-surveying.com



Epic Surveying & Mapping, LLC
20306 Nettleton Street
Orlando, Florida 32833
321.804.5687
epic-surveying.com

Certificate of Authorization #LB 8461

MAP OF BOUNDARY SURVEY FOR
ALEXIS FAJARDO and
KELSEY FAJARDO

PROPERTY ADDRESS:
940 BUTIA STREET
MERRITT ISLAND, FLORIDA 32953

FIELD WORK DATE 2/11/2024	DRAWN BY EM
FIELD CREW EM & JM	CHECKED BY EM & JM
ESM PROJECT NUMBER 24-1020	
SHEET NUMBER 2 OF 2	

SURVEY NOTES

1. UTILITIES, INCLUDING STORM DRAINAGE, SANITARY SEWER AMONG OTHERS MAY HAVE BEEN BURIED. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES. ANY UNDERGROUND UTILITY MAY BE LOCATED OUTSIDE OF WHAT IS SHOWN HEREON AND IT IS POSSIBLE THAT ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. BEFORE DIGGING, PLEASE CALL 811.
2. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR OWNERSHIP TITLE EVIDENCE, EASEMENTS OF RECORD, RESTRICTIVE COVENANTS, ENCUMBRANCES OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
3. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON(S) NAMED HEREON. FURTHER, THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON(S) OR ENTITY WITHOUT THE EXPRESS RE-CERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON(S) OR ENTITY.
4. THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED BY AN OPEN TRAVERSE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET AT A MINIMUM.
5. BEARINGS SHOWN ARE BASED ON THE EAST RIGHT-OF-WAY OF BUTIA STREET AS SHOWN ON PBK 0017, PG(S) 0080.
6. ALL PROPERTY CORNERS SET ARE 18" LONG, 1/2" DIAMETER REBARS WITH CAPS DENOTING "EPIC LB8461", UNLESS IT IS WAS IMPRACTICAL TO DO SO.
7. THE FLOOD INFORMATION ON THIS PLAT HAS BEEN DETERMINED AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION OF THE APPLICABLE FLOOD HAZARD AREA. FOR FURTHER INFORMATION, CONTACT THE LOCAL DRAINAGE DEPARTMENT, CORPS OF ENGINEERS OR AN INSURANCE COMPANY.
8. THIS PROPERTY DOES NOT APPEAR TO BE IN AN AREA RECOGNIZED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS A FLOOD HAZARD AREA. ACCORDING TO THE FLOOD INSURANCE RATE MAP (FIRM) THIS PROPERTY APPEARS TO BE IN A ZONE "X".
9. THE OFFICIAL COPY OF THIS SURVEY HAS BEEN DIGITALLY SIGNED BY THE STATE OF FLORIDA PROFESSIONAL SURVEYOR & MAPPER SHOWN ON SHEET 1 OF 2. PRINTED COPIES ARE NOT VALID WITHOUT THE RAISED SEAL AND WET SIGNATURE OF A STATE OF FLORIDA PROFESSIONAL SURVEYOR & MAPPER ON EVERY SHEET.

SURVEYOR'S CERTIFICATE

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL, OR PARCELS, OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL, OR PARCELS, ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR US OR PURPOSE OF THE LAND.

FURTHERMORE, THIS IS TO CERTIFY THAT A SURVEY OF THE ABOVE DESCRIBED PROPERTY WAS MADE UNDER MY SUPERVISION AND THAT THE SKETCH HEREON IS A TRUE AND ACCURATE REPRESENTATION THEREOF AND THAT SAID SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN SECTION 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

ABBREVIATIONS

A/C = AIR CONDITIONING UNIT	LB = LICENSED BUSINESS
AKA = ALSO KNOWN AS	LP = LIGHT POLE
CB = COMMUNICATIONS BOX	MH = MANHOLE
CBS = CONCRETE BLOCK STRUCTURE	N/D = NAIL & DISC
CH = CHORD	ORB = OFFICIAL RECORD BOOK
CO = CLEANOUT	PBK = PLAT BOOK
CONC = CONCRETE	PC = POINT OF CURVATURE
DE = DRAINAGE EASEMENT	PE = POOL EQUIPMENT
DI = DRAINAGE INLET	PG(S) = PAGE/PAGES
DOC = RECORDED DOCUMENT	PI = POINT OF INTERSECTION
EB = ELECTRICAL BOX	PL = PROPERTY LINE
EF = END OF FENCE	PP = POWER POLE
EL = ELEVATION	PUDE = PUBLIC UTILITY & DRAINAGE EASEMENT
EM = ELECTRIC METER	PUE = PUBLIC UTILITY EASEMENT
ET = ELECTRIC TRANSFORMER	R/W = RIGHT-OF-WAY
FC = FENCE CORNER	RAD = RADIUS
FH = FIRE HYDRANT	RNG = RANGE
FL = FENCE LINE	SBK = SURVEY BOOK
FOC = FIBER OPTIC CABLE BOX/MARKER	SECT = SECTION
GM = NATURAL GAS METER	SMH = STORM MANHOLE
GOVT = GOVERNMENT	SQ FT = SQUARE FEET
GV = NATURAL GAS VALVE	TWN = TOWNSHIP
GWA = GUY WIRE POLE ANCHOR	UE = UTILITY EASEMENT
ICV = IRRIGATION CONTROL VALVE(S)	WH = WATER HEATER
ID = IDENTIFICATION	WM = WATER METER
IPS = 1/2" REBAR & CAP SET (#LB 8461)	WV = WATER VALVE

LINEWORK LEGEND

BOUNDARY _____

ADJOINER BOUNDARY _____

ORIGINAL BOUNDARY _____

RIGHT-OF-WAY _____

EASEMENT LINE _____

OVERHEAD ELECTRICAL _____

PVC FENCE -□-□-□-□-□-

WOOD FENCE -||-||-||-||-

CHAIN LINK FENCE -x-x-x-x-x-

REFERENCE MATERIAL

PBK 0017, PG(S) 0080 ORB 5717, PG(S) 6044- 6045
 ORB 8697, PG(S) 0306- 0307 ORB 9400, PG(S) 0873- 0874
 ORB 3481, PG(S) 2230- 2231 ORB 3636, PG(S) 2257-2259

MAP OF BOUNDARY SURVEY
 FOR ALEXIS E FAJARDO & KELSEY R FAJARDO, ET. AL.
 PREPARED BY GAI SURVEYORS
 DATED 3/10/2020

MAP OF BOUNDARY SURVEY
 FOR ALEXIS E FAJARDO & KELSEY R FAJARDO
 PREPARED BY ERIC NIELSEN LAND SURVEYING, INC.
 DATED 8/15/2022

FLOOD MAP DATA

BREVARD COUNTY UNINCORPORATED AREAS

PANEL NUMBER: 0427
 MAP NUMBER: 12009C0427H
 MAP REVISED: JANUARY 29, 2021
 ZONE: "X"



LEGAL DESCRIPTION

LOT 13, BLOCK A, ROSE HILL ESTATES UNIT 1 3RD SECTION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 17, PAGE(S) 80, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA

SECTION 26, TOWNSHIP 24 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA

CERTIFICATION OF THIS SURVEY INCLUDES BOTH SHEET 1 OF 2 AND SHEET 2 OF 2. PRINTED COPIES OF THIS SURVEY MUST INCLUDE BOTH SHEETS IN ORDER TO BE VALID.	NO.	REVISIONS	DATE

<p>Eric K. Mason, PSM LS #7342 eric.mason@epic-surveying.com Date: February 25, 2024</p>	<p>Epic Surveying & Mapping, LLC 20306 Nettleton Street Orlando, Florida 32833 321.804.5687 epic-surveying.com Certificate of Authorization #LB 8461</p>	MAP OF BOUNDARY SURVEY FOR ALEXIS FAJARDO and KELSEY FAJARDO	FIELD WORK DATE 2/11/2024	DRAWN BY EM
		PROPERTY ADDRESS: 940 BUTIA STREET MERRITT ISLAND, FLORIDA 32953	FIELD CREW EM & JM	CHECKED BY EM & JM
		ESMP PROJECT NUMBER 24- 1020	SHEET NUMBER 1 OF 2	
		SHEET NUMBER 1 OF 2		



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.2.

6/19/2024

Subject:

MJ Coop, LLC requests a variance for lot width in an RRMH-1 (Rural Residential Mobile Home) zoning classification. (24V00020) (Tax Account 2000674) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of Adjustment conduct a public hearing to consider a variance for lot width in an RRMH-1 (Rural Residential Mobile Home) zoning classification.

Summary Explanation and Background:

MJ Coop, LLC requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1401(4), to permit a variance of 25 ft. from the 125 ft. lot with required in RRMH-1 (Rural Residential Mobile Home) zoning classification. The property is 1 acre, located on the east side of Blounts Ridge Rd., approx. 1,620 ft. north of Patty Ln. (No address assigned. In the Mims area.)

Clerk to the Board Instructions:

None



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

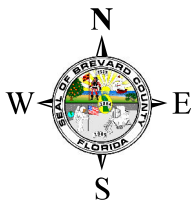
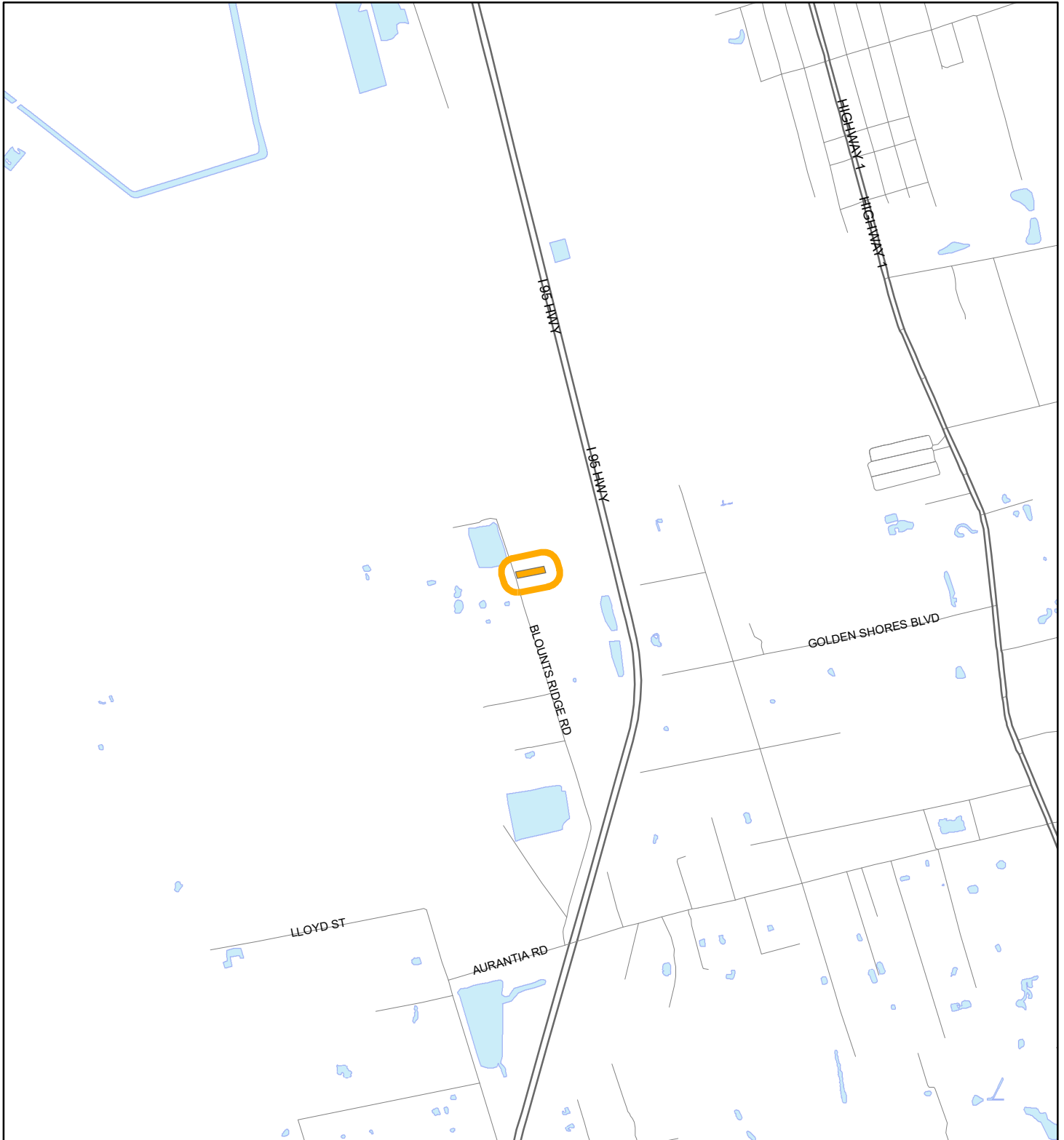
TO: Board of Adjustment Members
FROM: Paul Body, Senior Planner
Thru: Jeffrey Ball, AICP, Planning & Zoning Manager
SUBJECT: Variance Staff Comments for Wednesday, June 19, 2024
DATE: May 29, 2024

DISTRICT 1

2. (24V00020) MJ Coop, LLC requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1401(4), to permit a variance of 25 ft. from the 125 ft. lot width required in RRMH-1 (Rural Residential Mobile Home) zoning classification. This request represents the applicant's request to legitimize an existing parcel. The parcel is currently zoned GU (General Use). The applicant states the parcel was subdivided into its current configuration on 03/01/1970 by a previous owner. The applicant also states, when the parcel was subdivided it did not meet the 150 feet lot width requirement for GU zoning. The rezoning request for this parcel and the abutting parcel (variance request 24V00021) will be heard by the Planning Zoning Board on July 22, 2024. This request equates to a 20% deviation of what the code allows. There is one variance to the lot width requirement in the immediate area. There is no code enforcement action 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 2/15/2024.

LOCATION MAP

MJCOOP LLC
24V00020





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 200 feet

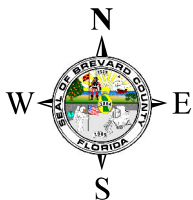
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Produced by BoCC - GIS Date: 5/29/2024

-  Buffer
-  Subject Property

ZONING MAP




MJCOOP LLC
24V00020



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/29/2024

-  Subject Property
-  Parcels
-  Zoning

AERIAL MAP

MJCOOP LLC
24V00020




1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

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Produced by BoCC - GIS Date: 5/29/2024

 Subject Property

 Parcels

RADIUS MAP

MJCOOP LLC
24V00020







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Produced by BoCC - GIS Date: 5/29/2024

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

Yes. If Yes, indicate case number _____, and

name of contractor _____

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:

the parcel was subdivided in 1970 and did not meet the 150' lot width req. for the GU zoning when it was subdivided. parcel will be rezoned.

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

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(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:

variances needed for lot width for rezoning parcel to build a single family home. other parcels with same zoning in area.

(over)

(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:

Without variance, properties will not be able to be rezoned to be developed.

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

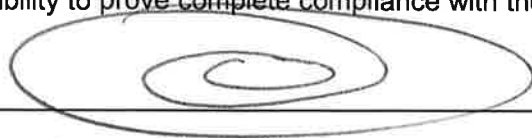
Yes, this is the minimum variance requests.

(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:

Yes, it will be in harmony with other parcels in the area to build a single family home.

I understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by the below-signed zoning representative. I am fully aware that it is my responsibility to prove complete compliance with the aforementioned criteria.

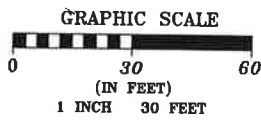
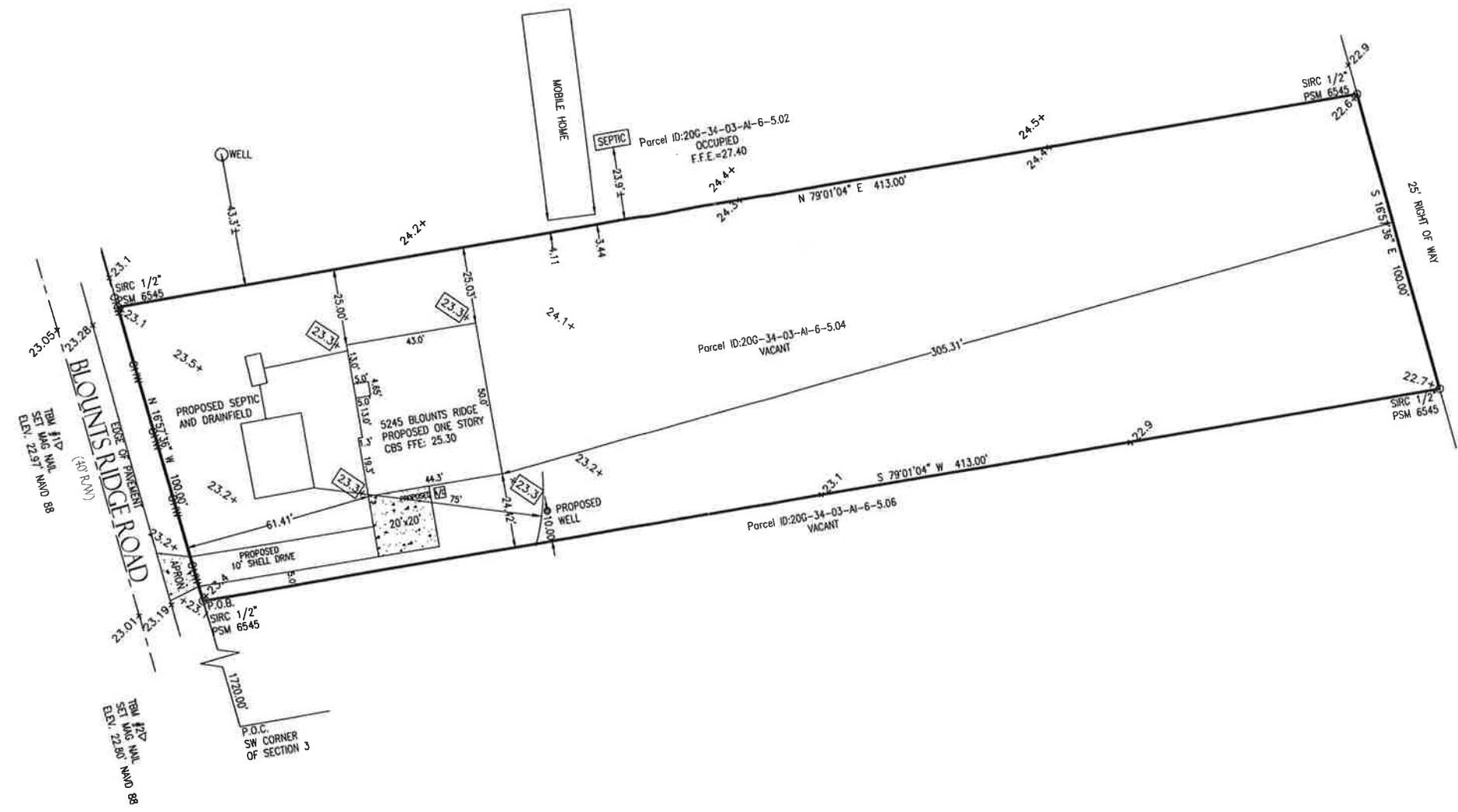
Signature of applicant



Signature of planner

Paul Doty

MAP OF SURVEY



- EXPLANATION OF ABBREVIATIONS
- PSM PROFESSIONAL SURVEYOR & MAPPER
 - PLB PLAT BOOK
 - OTR OFFICIAL RECORDS BOOK
 - PC PAGE
 - BM BENCH MARK
 - FB FOUND BENCH ROD
 - SR SET BENCH ROD
 - FP FOUND BENCH PIPE
 - FNAD FOUND NAIL & DISK
 - FNAD SET NAIL & DISK
 - FNAD FOUND NAIL & TIN TAB
 - FO FOUND
 - EXST EXISTING
 - PROPR PROPOSED
 - REOF REUSE OF REF
 - RAAS RADIUS
 - DAZ DEPTH OF CENTRAL ANGLE
 - ACAP ASPHALT COATED CORRUGATED ALUMINUM PIPE
 - HOSE NATIONAL ELECTRIC VERTICAL SIZING
 - NAVD NORTH AMERICAN VERTICAL DATUM
 - ELV ELEVATION
 - FFE FINISHED FLOOR ELEVATION
 - TFM TYPICAL FOUNDATION MATERIAL
 - PLUD PUBLIC UTILITIES AND/OR DRAINAGE EASEMENT
 - CS CONCRETE
 - CONC CONCRETE
 - CP CONCRETE
 - SC SINK OF CURB
 - COV COVERED
 - S/S SECTION
 - D/W DRAINAGE
 - AC/ CONCRETE
 - WF WOOD FENCE
 - CONC CONCRETE
 - IDENT IDENTIFICATION
 - MES METERS END SECTION
 - PK PUBLIC UTILITY FACILITY
 - TYP TYPICAL
 - CONC CONCRETE
 - 100 100 MILE FENCE

- LEGEND:**
- Set 1/2" iron rebar with cap # PSM 6545
 - Found iron rebar, size and cap #
 - Set 4"x 4" concrete monument with cap # PSM 6545
 - Found concrete monument, size and identification #
 - △ Set nail and disk # PSM 6545
 - ▲ Found nail and disk, identification # as shown
 - +97.63 Existing spot elevation
 - Denotes concrete areas
- Direction of flow

SURVEYOR'S NOTES:

1. Unless otherwise noted, only platted easements are shown hereon.
2. P.U.E. denotes Public Utilities and Drainage Easement. P.U.E. denotes Public Utilities Easement.
3. No underground utilities or improvements were located unless otherwise shown.
4. Bearings shown hereon are based on the RIGHT OF WAY LINE OF BLOUNTS RIDGE ROAD, being N 16°57'36" W and may not be a true north azimuth.
5. This site appears to lie within F.I.R.M. Zone "X" per Community Panel Number 12009C 0100G, dated 3/17/14.

LEGAL DESCRIPTION:

FROM THE SW CORNER OF SECTION 3, INDIAN RIVER PARK SUB'D, AS RECORDED IN PLAT BOOK 2, PAGE 33 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, RUN NORTHERLY ALONG THE WEST LINE OF SAID SECTION 3, AND ON A RELATIVE BEARING OF N 16°57'36" W FOR A DISTANCE OF 1720.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 16°57'36" W FOR A DISTANCE OF 100.00 FEET TO A POINT; THENCE RUN N 79°01'04" E, FOR A DISTANCE OF 413.00 FEET TO A POINT; THENCE RUN S 16°57'36" E FOR A DISTANCE OF 100.00 FEET TO A POINT; THENCE RUN S 79°01'04" W FOR A DISTANCE OF 413.00 FEET TO THE POINT OF BEGINNING.

Drawn by:	AR
Checked by:	JZ
Scale:	1" = 30'
Date:	2/15/24
Project#	23-195
DATE	REVISIONS

LAYOUT SERVICES, INC.
LAND SURVEYING & MAPPING
25830 HOLIDAY DRIVE
ASTOR, FLORIDA 32102
(321) 529-4484
layout1@att.net

Section 03, Township 20S, Range 34E

BOUNDARY AND IMPROVEMENT SURVEY

Certified to: COOP CONSTRUCTION

I hereby certify that the survey shown hereon is true and correct to the best of my knowledge and belief, based on actual measurements taken in the field. This survey meets the Standards of Practice as set forth by the Florida Board of Professional Land Surveyors in Chapter SJ-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

James Zimmerman
Digitally signed by James Zimmerman
Date: 2024.03.01 14:13:37 -05'00'

James Zimmerman
Professional Land Surveyor No. 6545
Certificate of Authorization No. 7540
State of Florida



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.3.

6/19/2024

Subject:

MJ Coop, LLC requests a variance for lot width in an RRMH-1 (Rural Residential Mobile Home) zoning classification. (24V00021) (Tax Account 2000676) (District 1)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of Adjustment conduct a public hearing to consider a variance for lot width in an RRMH-1 (Rural Residential Mobile Home) zoning classification.

Summary Explanation and Background:

MJ Coop, LLC requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1401(4), to permit a variance of 25 ft. from the 125 ft. lot width required in RRMH-1 (Rural Residential Mobile Home) zoning classification. The property is 1 acre, located on the east side of Blounts Ridge Rd., approx. 1,720 ft. north of Patty Ln. (No address assigned. In the Mims area.)

Clerk to the Board Instructions:

None



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

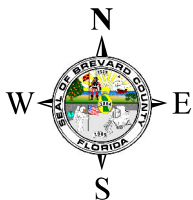
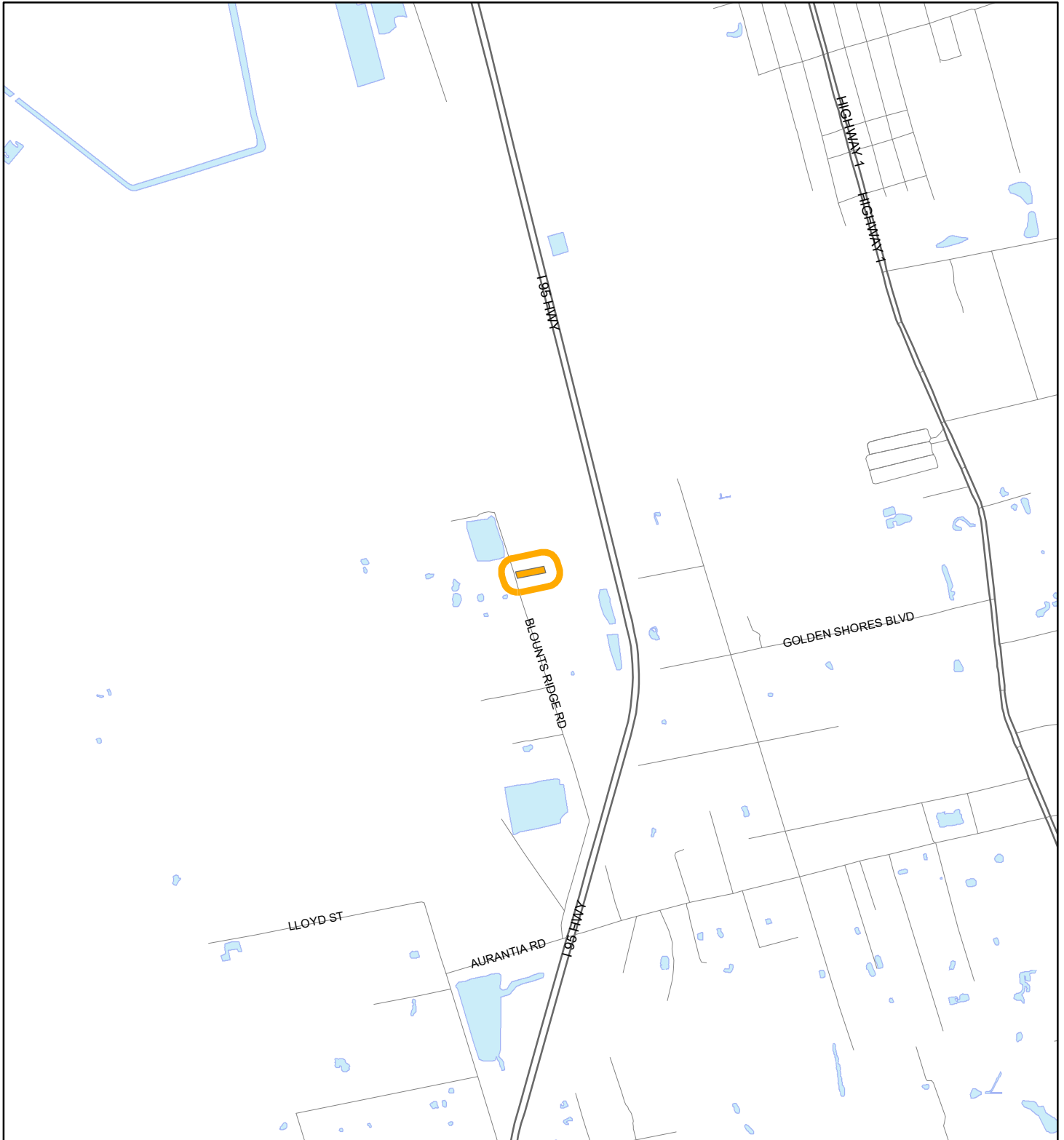
TO: Board of Adjustment Members
FROM: Paul Body, Senior Planner
Thru: Jeffrey Ball, AICP, Planning & Zoning Manager
SUBJECT: Variance Staff Comments for Wednesday, June 19, 2024
DATE: May 29, 2024

DISTRICT 1

3. (24V00021) MJ Coop, LLC requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1401(4), to permit a variance of 25 ft. from the 125 ft. lot width required in RRMH-1 (Rural Residential Mobile Home) zoning classification. This request represents the applicant's request to legitimize an existing parcel. The parcel is currently zoned GU (General Use). The applicant states the parcel was subdivided into its current configuration on 04/01/1969 by a previous owner. The applicant also states, when the parcel was subdivided it did not meet the 150 feet lot width requirement for GU zoning. The rezoning request for this parcel and the abutting parcel (variance request 24V00020) will be heard by the Planning Zoning Board on July 22, 2024. This request equates to a 20% deviation of what the code allows. There is one variance to the lot width requirement in the immediate area. There is no code enforcement action 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 2/15/2024.

LOCATION MAP

MJCOOP LLC
24V00021





1:24,000 or 1 inch = 2,000 feet

Buffer Distance: 200 feet

This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 5/30/2024

-  Buffer
-  Subject Property

ZONING MAP




MJCOOP LLC
24V00021



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/30/2024

-  Subject Property
-  Parcels
-  Zoning

AERIAL MAP

MJCOOP LLC
24V00021




1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

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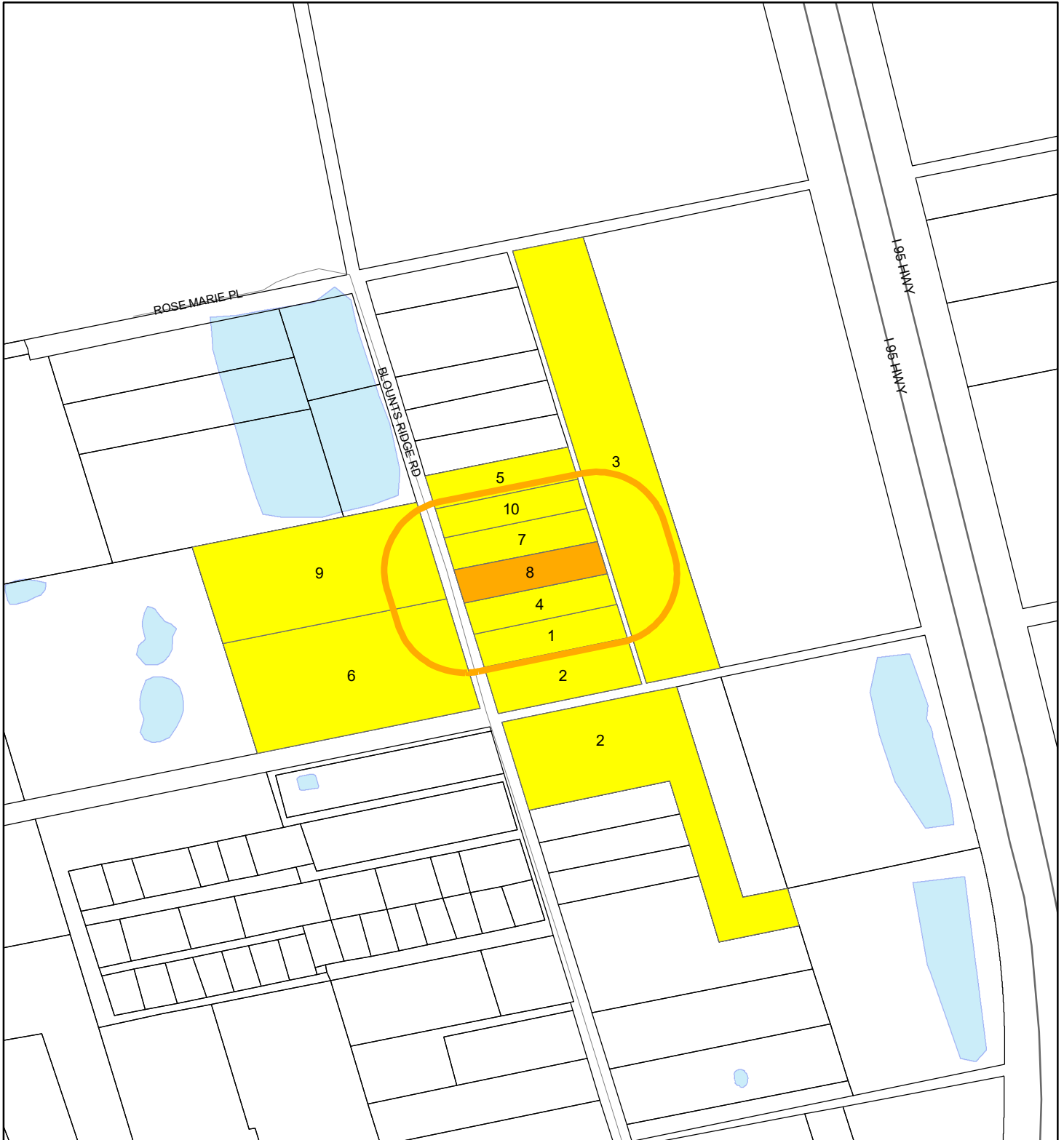
Produced by BoCC - GIS Date: 5/30/2024

 Subject Property

 Parcels

RADIUS MAP

MJCOOP LLC
24V00021







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Produced by BoCC - GIS Date: 5/30/2024

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

Yes. If Yes, indicate case number _____, and
name of contractor _____

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:

The parcel was subdivided in 1969 and did not meet the 150' lot width req. for the G1 zoning when it was subdivided. Parcel will be rezoned.

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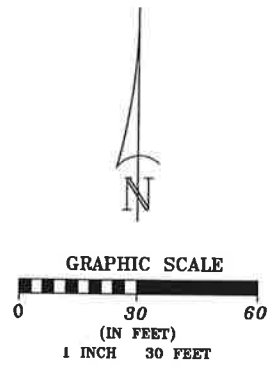
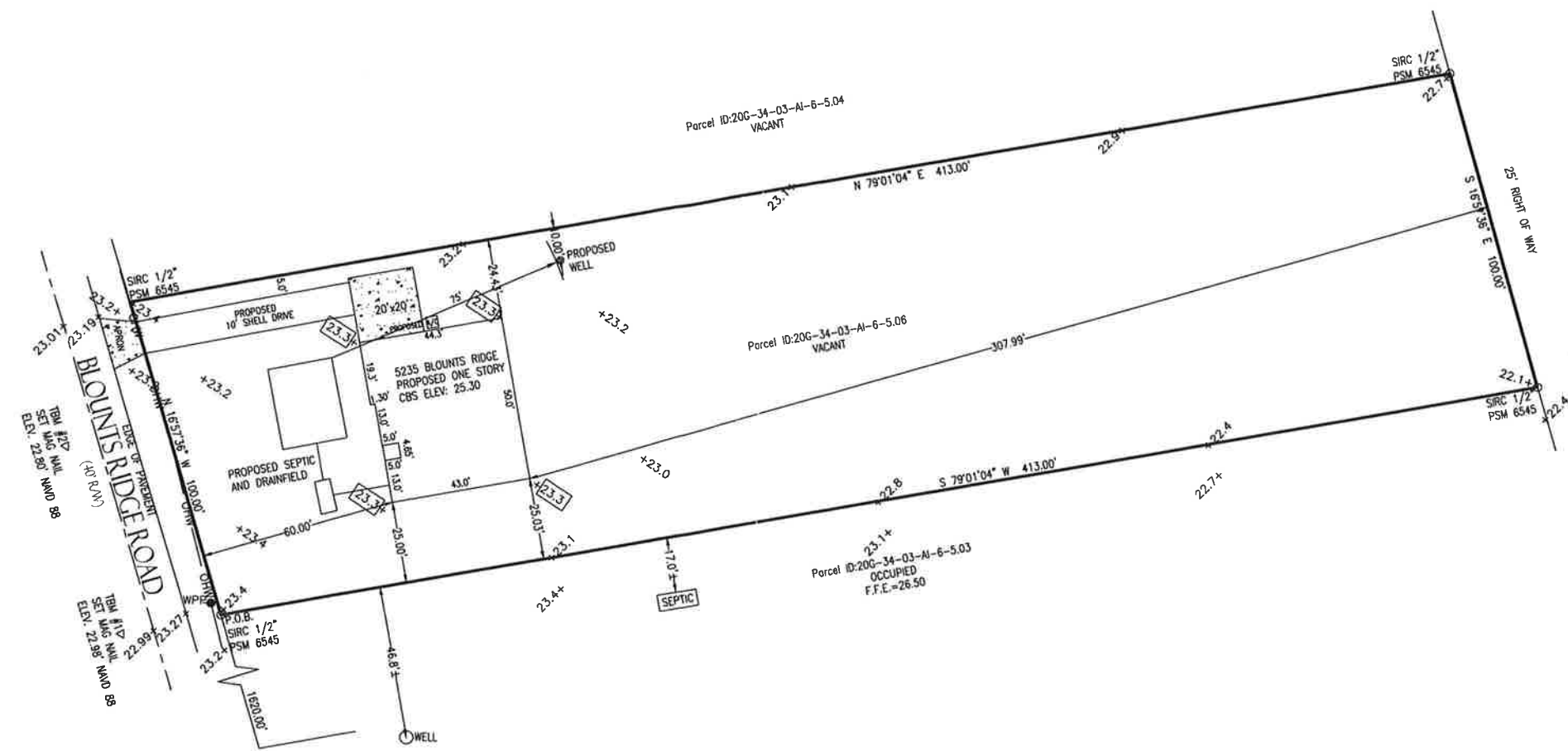
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Signature of planner

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 - SET SET IRON ROD
 - FR FOUND IRON PIPE
 - FMND FOUND NAIL & DISC
 - SHND SET NAIL & DISC
 - FRNTT FOUND NAIL & TIN TAB
 - FD FOUND
 - EXST EXISTING
 - PROP PROPOSED
 - RYR RIGHT OF WAY
 - R RIVER
 - ICR IN CENTER
 - ACAP ASPHALT COATED CORRUGATED ALUMINUM PIPE
 - ROVD NATIONAL GEODESIC VERTICAL DATUM
 - NAVD NORTH AMERICAN VERTICAL DATUM
 - ELEV ELEVATION
 - BFE BASE FLOOD ELEVATION
 - FTE FINISHED FLOOR ELEVATION
 - FRND FEDERAL INSURANCE RATE MAP
 - PLCK PUBLIC UTILITIES AND/OR DRAINAGE EASEMENT
 - BP BUILDING POINT NUMBER
 - CONC CONCRETE
 - CONC CONCRETE BLOCK STRUCTURE
 - EDG EDGE OF FINISHMENT
 - IC COVERED
 - ICV COVERED
 - SAN SANITARY
 - OVN OVERLAY
 - ASV AIR SIGNAGE
 - WFC WOODEN FENCE
 - OV COVERED
 - INT INTERIOR END SECTION
 - PCE PUBLIC DRAINAGE EASEMENT
 - TYP TYPICAL
 - CR CONCRETE BLOCK
 - HW HOOD WIRE FENCE
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Drawn by: AR
Checked by: JZ
Scale: 1" = 30'
Date: 2/15/24
Project #23-195

LAYOUT SERVICES, INC.
LAND SURVEYING & MAPPING
25830 HOLIDAY DRIVE
ASTOR, FLORIDA 32102
(321) 529-4484
layout1@att.net

DATE REVISIONS

Section 03, Township 20S, Range 34E

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James Zimmerman
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Date: 2024.03.01 14:16:29 -05'00'

James Zimmerman
Professional Land Surveyor No. 6545
Certificate of Authorization No. 7540
State of Florida