



Board of Adjustment
Brevard County Government Center
2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida
Agenda
Wednesday, May 15, 2024

Call To Order - 1:30 PM

Approval of Minutes: April 17, 2024

G. Public Hearings

- G.1.** Daniel Fluett & Eileen Smith request a variance for a primary structure in a TR-3 (Mobile Home Park) zoning classification. (24V00010) (Tax Account 2848690) (District 3)
- G.2.** Gloria & Kent White request a variance for a dock together with a moored watercraft into a canal in a PUD (Planned Unit Development) zoning classification. (24V00011) (Tax Account 2606272) (District 4)
- G.3.** William Brim (Don Human) requests a variance for an accessory structure in a RRMH-1 (Rural Residential Mobile Home) zoning classification. (24V00012) (Tax Account 2005095) (District 1)
- G.4.** Vyto & Sylvia Bukausas request nine variances for accessory structures and a covered boat dock, including pilings, in a RU-1-13 (Single-Family Residential) zoning classification. (24V00013) (Tax Account 2432646) (District 2)
- G.5.** Rebecca Schenck requests a variance for the principal structure, in an EU (Estate Use) zoning classification. (24V00014) (Tax Account 2413520) (District 2)
- G.6.** David & Robin Young request a variance for a boat dock, together with pilings, and moored watercraft into a manmade waterway in an EU (Estate Use) zoning classification. (24V00016) (Tax Account 2507670) (District 2)

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.

5/15/2024

Subject:

Daniel Fluett & Eileen Smith request a variance for a primary structure in a TR-3 (Mobile Home Park) zoning classification. (24V00010) (Tax Account 2848690) (District 3)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of Adjustment conduct a public hearing to consider one variance for a primary structure in a TR-3 (Mobile Home Park) zoning classification.

Summary Explanation and Background:

Daniel Fluett & Eileen Smith request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1404(7), to permit a variance of 5 ft. from the required 10-ft. minimum separation distance required between structures in a TR-3 (Mobile Home Park) zoning classification. The property is 0.02 acres, located on the south side of Peace Lane. (405 Peace Lane, Melbourne Beach)

Clerk to the Board Instructions:

None



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

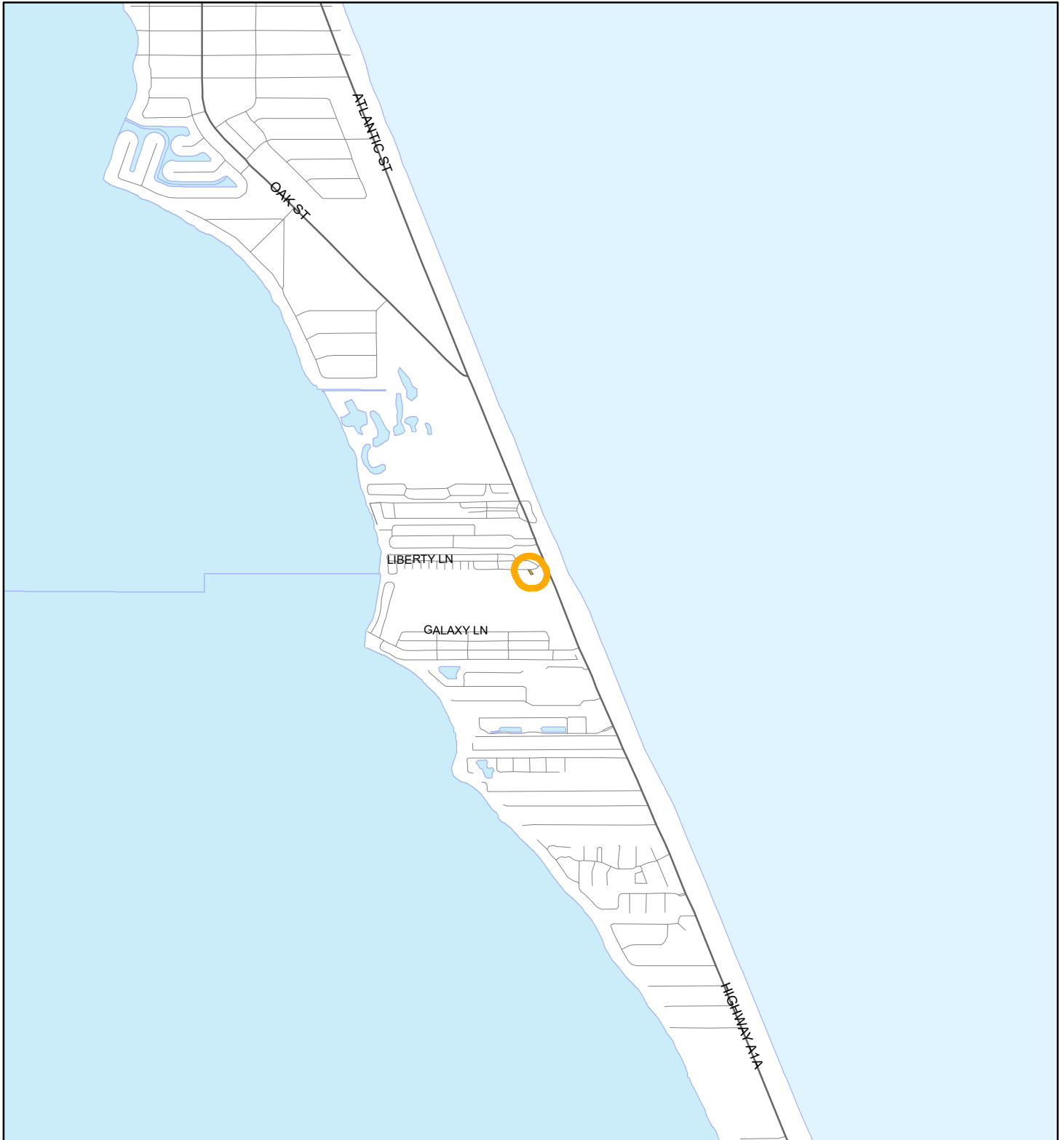
TO: Board of Adjustment Members
FROM: Paul Body, Senior Planner
Thru: Jeffrey Ball, AICP, Planning & Zoning Manager
SUBJECT: Variance Staff Comments for Wednesday, May 15, 2024
DATE: April 25, 2024

DISTRICT 3

1. **(24V00010) Daniel Fluett & Eileen Smith** request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1404(7), to permit a variance of 5 ft. from the required 10-ft. minimum separation distance required between structures in a TR-3 (Mobile Home Park) zoning classification. This request represents the applicants' request to build an attached carport to their mobile home. The applicants state that their mobile home was in this configuration when they purchased it on 12/30/2022. The applicants also state that the code today requires a mobile home site to have a minimum width of not less than 40 feet and their mobile home site is only 30 feet wide. The applicants also state there is an approved variance to their rear property line setback. This request equates to a 50% deviation of what the code allows. There are four variances to the separation requirement in the immediate area. There is no code enforcement action pending with the Brevard County Planning and Development Department. If the Board approves this variance, it may want to limit its approval as depicted on the survey provided by the applicant with a revision date of 02/28/2024.

LOCATION MAP

Daniel Fluett & Eileen Smith
24V00010





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

Buffer Distance: 200 feet

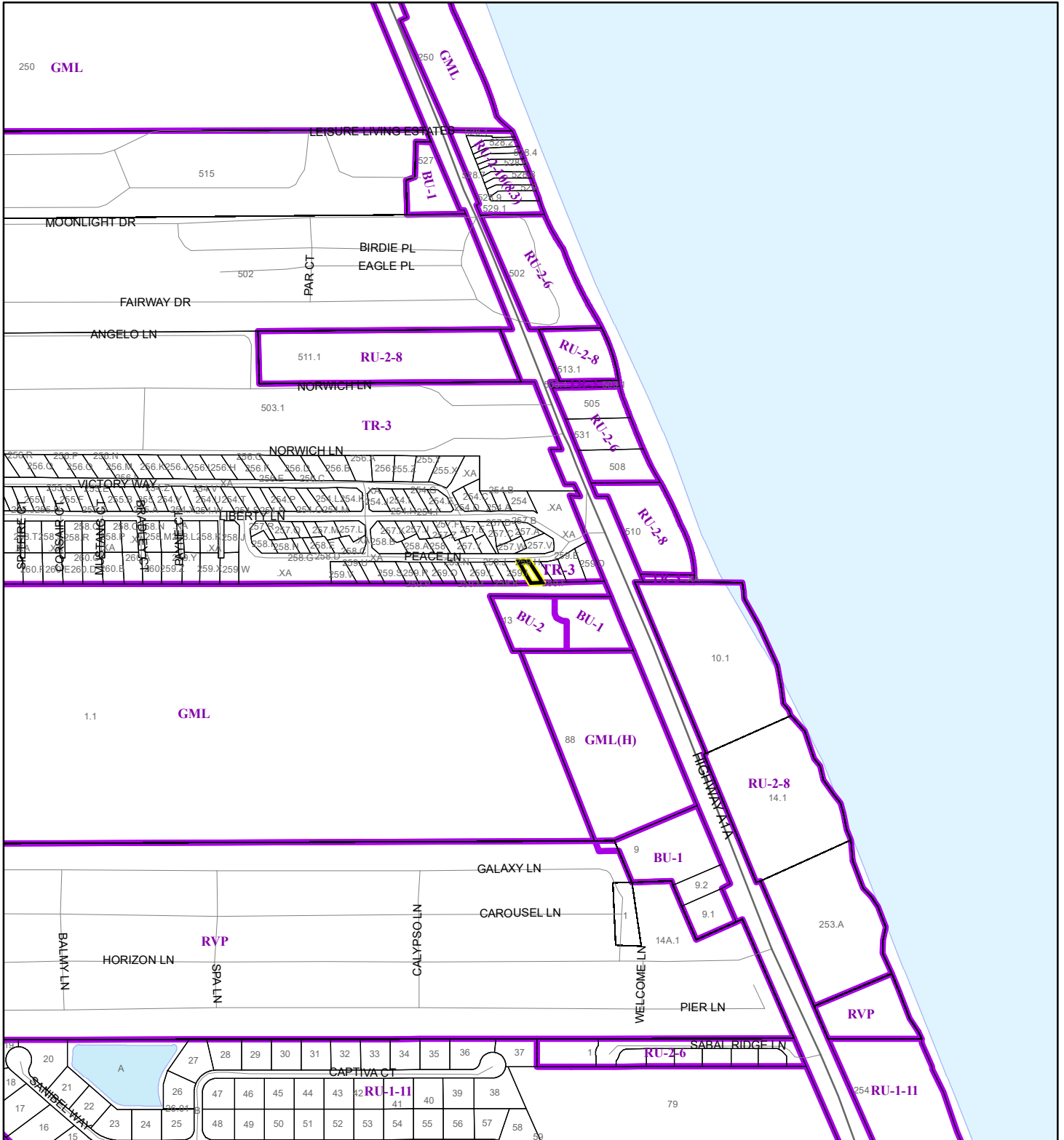
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/18/2024

-  Buffer
-  Subject Property

ZONING MAP




Daniel Fluett & Eileen Smith
24V00010



1:4,800 or 1 inch = 400 feet

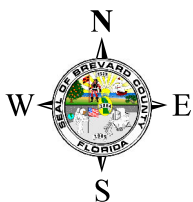
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Produced by BoCC - GIS Date: 3/18/2024

-  Subject Property
-  Parcels
-  Zoning

AERIAL MAP

Daniel Fluett & Eileen Smith
24V00010




1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

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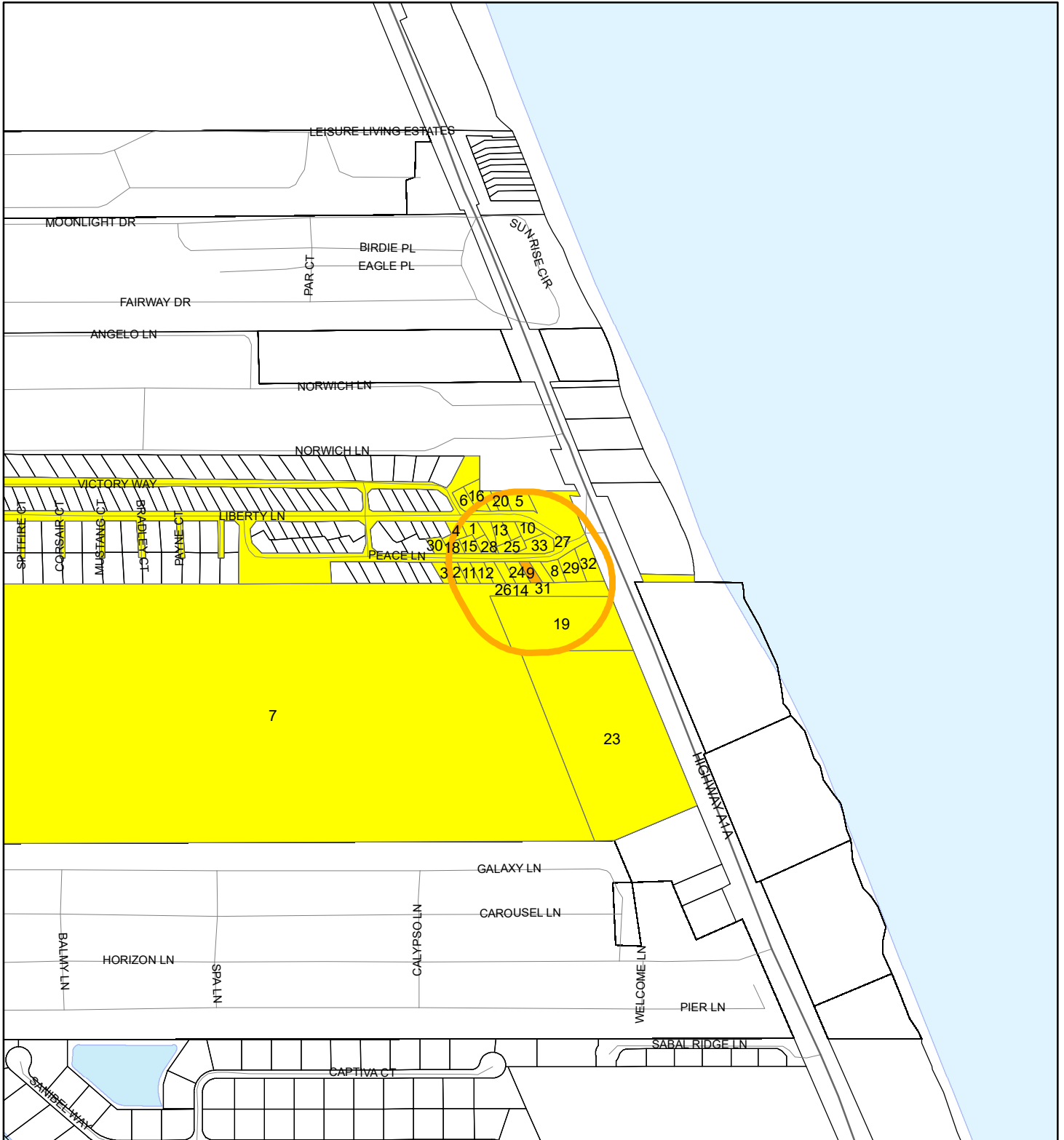
Produced by BoCC - GIS Date: 3/18/2024

 Subject Property

 Parcels

RADIUS MAP

Daniel Fluett & Eileen Smith
24V00010







1:4,800 or 1 inch = 400 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: 3/18/2024

-  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:

Size of lot and existing mobile home locations
and cement driveway.
Property is 30 feet wide - Today's code requires
lot to be 40 feet wide.

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

We bought the property in this condition.
Existing home and driveway were in place,
and cannot be moved.

(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:

We would like a carport to cover the
driveway and vehicle.
This is permitted in this zoning classification.

(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:

Carports are permitted, and many neighborhood properties have them to protect from the elements.

(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 requested.

(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:

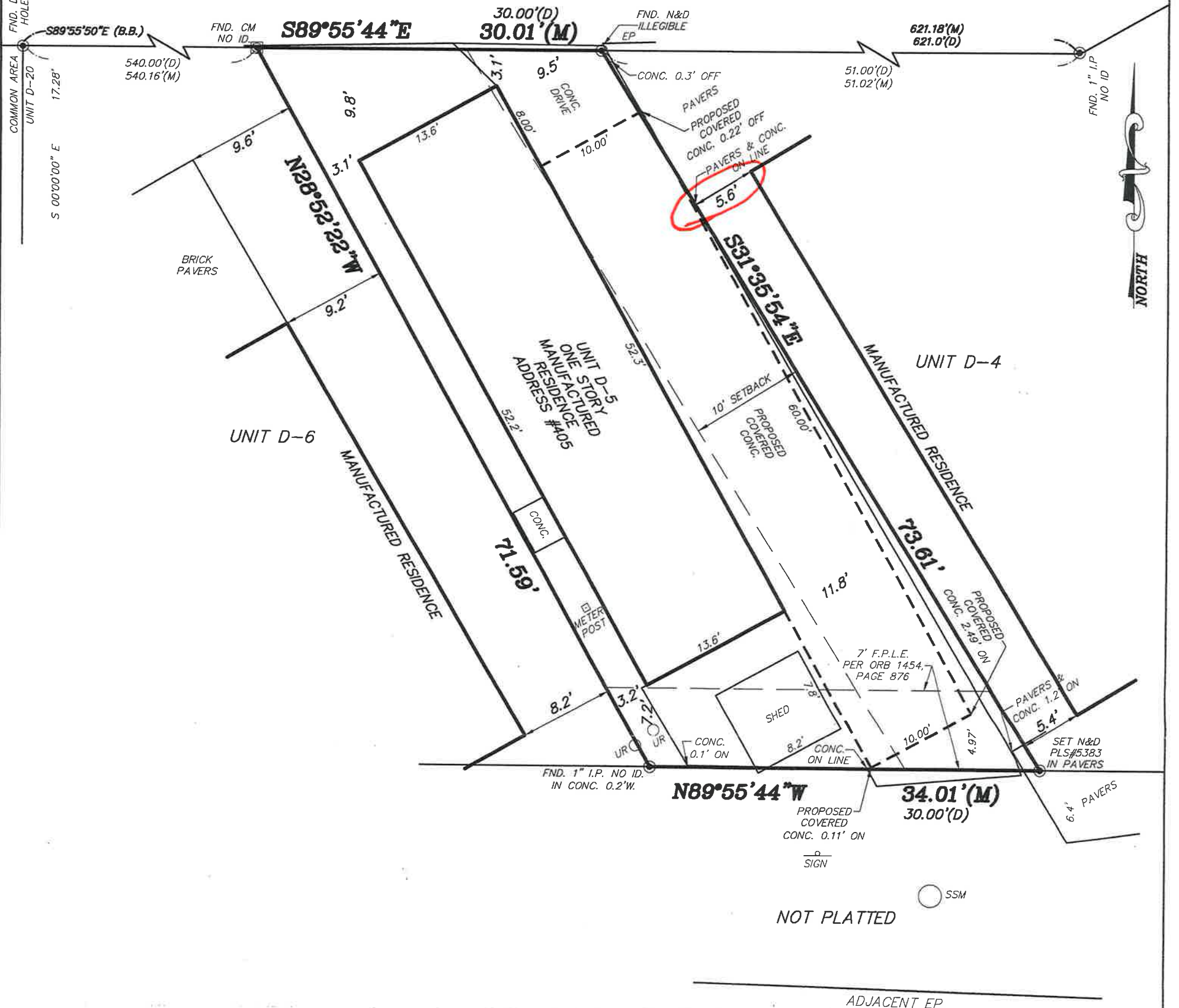
Yes, it will be in harmony. The ABC Committee and neighbor to the east are in agreement with the variance and carport.

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 Daniel S. Flett + Eileen Smith

Signature of planner Paul Body

PEACE LANE



SURVEY PREPARED FOR:

DANIEL S. FLUETT, AS TRUSTEE OF THE DANIEL S. FLUETT REVOCABLE TRUST DATED FEBRUARY 17, 2004, AS TO A 50% INTEREST AND EILEEN M. SMITH, AS TRUSTEE OF THE EILEEN M. SMITH REVOCABLE TRUST DATED APRIL 18, 2012, AS TO A 50% INTEREST

DESCRIPTION: UNIT D-5 OF A1A CONDO PARK, A CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, AS RECORDED IN OFFICIAL RECORDS BOOK 2613, PAGE 1909, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, AND ANY AMENDMENTS THERETO, TOGETHER WITH ITS UNDIVIDED SHARE IN THE COMMON ELEMENTS.

AAL LAND SURVEYING SERVICES, INC.

ACCORDING TO FLOOD INSURANCE RATE MAP #12009C 0616 H, DATED JANUARY 29, 2021 THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE X. (NAVD 1988)

TYPE OF SURVEY:
BOUNDARY

SCALE: 1" = 10'

REVISION: _____
REVISION: _____
REVISION: _____
REVISION: _____
REVISION: _____
REVISION: COUNTY COMMENTS: 02-28-24
REVISION: PLOT PLAN: 02-06-24

FIELD DATE: 02/02/2024

SECTION 17,
TOWNSHIP 28 SOUTH,
RANGE 38 EAST

PROJECT #49354

GENERAL NOTES:

1. THIS SURVEY AND DRAWING HAS BEEN PREPARED TO CONFORM WITH APPLICABLE STANDARD OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.
2. THIS SURVEY AND DRAWING IS FOR THE SOLE USE AND BENEFIT OF THE PARTIES NAMED HEREON AND FOR THE SPECIFIC PURPOSE AS NOTED, AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY, AND IS NOT TRANSFERABLE UNDER ANY CIRCUMSTANCES.
3. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE SEAL OF THE FLORIDA LICENSED SURVEYOR, AND REPRODUCTION OF THIS DRAWING WITHOUT WRITTEN PERMISSION OF THE SURVEYOR IS HEREBY FORBIDDEN.
4. NO OPINION OF TITLE OR OWNERSHIP IS HEREBY EXPRESSED OR IMPLIED BY THE SURVEYOR.
5. THIS SURVEY WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR BY THE CLIENT, AND MAY BE SUBJECT TO EASEMENTS OR LIMITATIONS EITHER RECORDED OR IMPLIED.
6. BEARINGS ARE BASED ON AN ASSUMED DATUM AND ON THE LINE SHOWN AS BEING THE BASIS OF BEARINGS.
7. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
8. ELEVATIONS, IF SHOWN, ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988, UNLESS OTHERWISE NOTED.
9. "NO WELLS" AND "NO SEPTICS" ARE DEFINITIONS TO SHOW AN ATTEMPT BY THE SURVEYOR TO LOCATE POSSIBLE EXISTING WELLS AND SEPTICS, HOWEVER NONE WERE FOUND USING STANDARD SURVEY LOCATING EQUIPMENT.

3970 MINTON ROAD, WEST MELBOURNE, FL 32904 L.B. #6623
PHONE: (321)768-8110 FAX: (321)952-9771 EMAIL: frontdesk@aalsurvey.com

ANDREW W. POWSHOK
P.L.S. No. 5383

DANIEL D. GARNER
P.L.S. No. 6189

LEGEND

- BB - BEARING BASE
- (M) - MEASURED
- (P) - PLAT
- (D) - DEED
- IR - IRON ROD
- IP - IRON PIPE
- N&D - NAIL AND DISC
- N&TT - NAIL AND TIN TAB
- C.M. - CONCRETE MONUMENT
- PRM - PERMANENT REFERENCE MARKER
- LB - LICENSED BUSINESS
- PLS - PROFESSIONAL LAND SURVEYOR
- TBM - TEMPORARY BENCHMARK
- FND. - FOUND
- D - DELTA
- R - RADIUS
- L - ARC LENGTH
- CH - CHORD LENGTH
- CB - CHORD BEARING
- PRC - POINT OF REVERSE CURVE
- P.O.L. - POINT ON LINE
- R/W - RIGHT OF WAY
- WPP - WOOD POWER POLE
- OHW - OVERHEAD WIRES
- E.P. - EDGE OF PAVEMENT
- P.U. - PUBLIC UTILITY EASEMENT
- D.E. - DRAINAGE EASEMENT
- FPL - FLORIDA POWER & LIGHT
- SSM - SANITARY MANHOLE
- UR - UTILITY RISER
- UB - UTILITY BOX
- CONC. - CONCRETE
- WM - WATER METER
- O.R.B. - OFFICIAL RECORDS BOOK
- CL - CENTERLINE

February 25, 2024

To whom it may concern,

I have no objections to the owner of 405 Peace Lane Melbourne Beach, installing a car port on their property. I would consider it an improvement to our community.

Sincerely,

Dorothy Redmond
213 Liberty Lane
Melbourne Beach, FL 32951

Memo

Date: 2/25/2024

To: Brevard County

From: Michael Miller, 407 Peace Lane, Melbourne Beach, 32951

Subject: Variance Request for Daniel Fluett, 405 Peace Lane, Melbourne Beach, 32951

My next door neighbor, Dan Fluett is requesting permission to build a carport. I have no objection to Dan building a carport. There are many carports in our community (A1A Condo Park) and Dan's construction of his carport will fit right in with the rest of the community. New construction would be welcomed and improve the community.

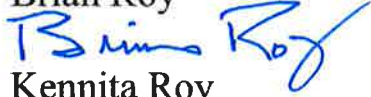
February 19, 2024

To Whom it May Concern,

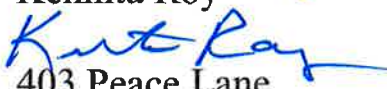
We, Brian and Kennita Roy as legal owners of 403 Peace Lane, Melbourne Beach, Florida 32051 do hereby acknowledge that we are aware of the construction project taking place at our adjacent neighbors Dan Fluett and Eileen Smith of 405 Peace Lane, Melbourne Beach, Florida 32951 and grant them permission to utilize the variance space between our property line.

Regards,

Brian Roy



Kennita Roy



403 Peace Lane

Melbourne Beach FL 32951

(270)-703-9624

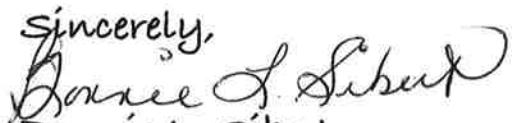
February 27, 2024

To Whom It May Concern:

The owners of the home at 405 Peace Lane, A1A Condo Park in Melbourne Beach Florida wish to build and attach a Carport on to their home.

I have no objection to this being done and support their request for a variance.

Sincerely,



Bonnie L. Sibert

400 Peace Lane

Melbourne Beach, FL 32951

ARC Application 365

From: Richard Wolownik <rwolowni@mindspring.com>
To: <dfluett@yahoo.com>
Cc: Richard Wolownik <rwolowni@mindspring.com>
Subject: ARC Application 365
Date: Feb 21, 2024 4:41 PM
Attachments: [ARC App 365 Fluett 20230216 \(3\).pdf](#)

Dan,

As we discussed attached is the ARC application #365 requesting a carport be added to the existing concrete driveway. A1A Condo ARC committee will approve this application once and after Brevard county approves your project and all fee and permits have been paid. After written approval from Brevard county ARC will approve your application.

Richard Wolownik
Chair ARC



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.2.

5/15/2024

Subject:

Gloria & Kent White request a variance for a dock together with a moored watercraft into a canal in a PUD (Planned Unit Development) zoning classification. (24V00011) (Tax Account 2606272) (District 4)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of Adjustment conduct a public hearing to consider one variance for a dock together with a moored watercraft into a canal in a PUD (Planned Unit Development) zoning classification.

Summary Explanation and Background:

Gloria & Kent White request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-2118(d)(3), to permit a variance of 2.78 ft. over the 16-ft. maximum projection (20% of the width of the waterway) for a dock together with a moored watercraft into a canal in a PUD (Planned Unit Development) zoning classification. The property is 0.5 acres, located on the east side of Lanternback Island Dr., approx. 548 ft. north of Hawksbill Island Dr. (465 Lanternback Island Dr., Satellite Beach)

Clerk to the Board Instructions:

None



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

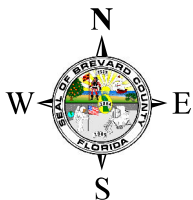
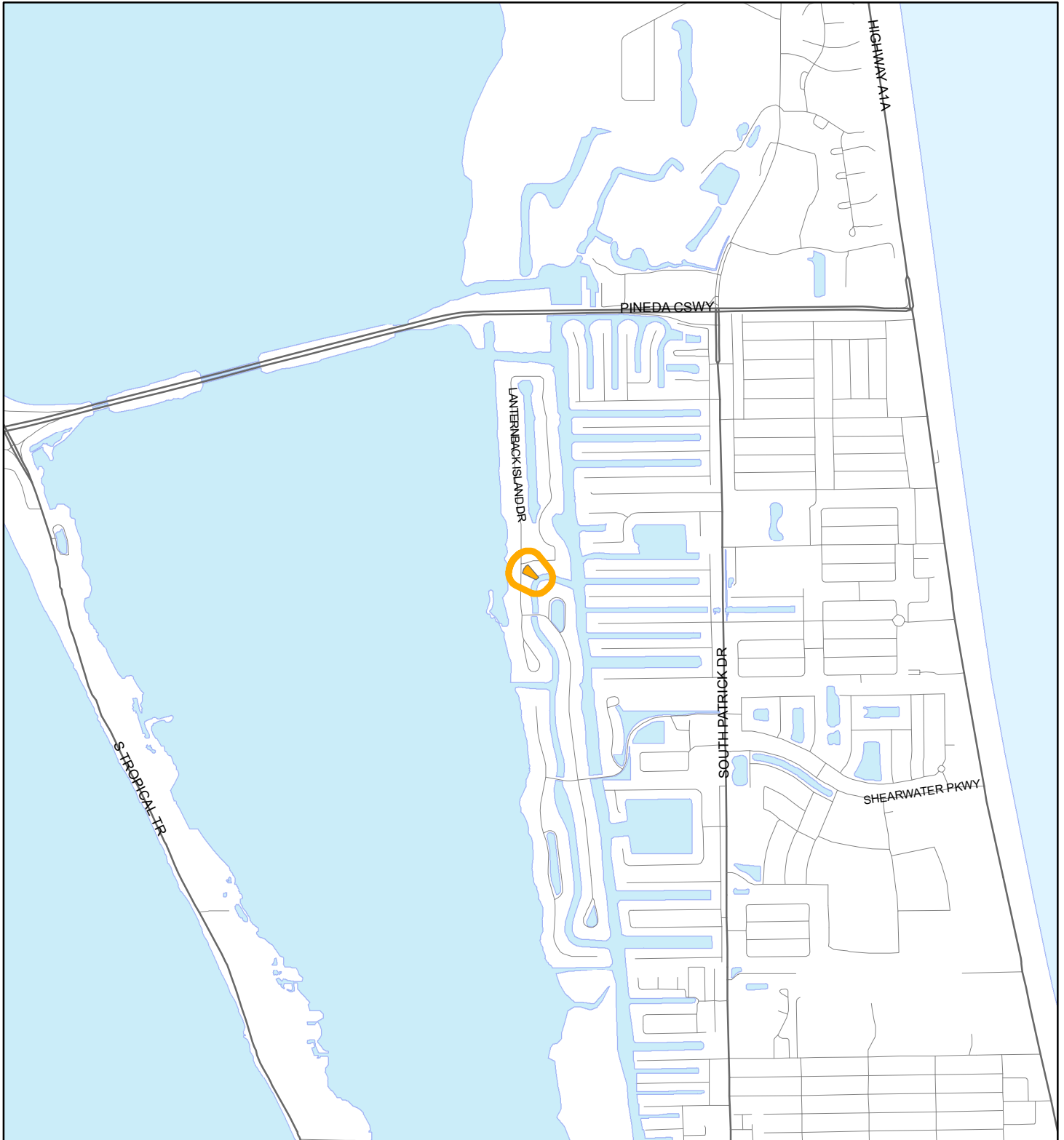
TO: Board of Adjustment Members
FROM: Paul Body, Senior Planner
Thru: Jeffrey Ball, AICP, Planning & Zoning Manager
SUBJECT: Variance Staff Comments for Wednesday, May 15, 2024
DATE: April 25, 2024

DISTRICT 4

2. (24V00011) Gloria & Kent White request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-2118(d)(3), to permit a variance of 2.78 ft. over the 16-ft. maximum projection (20% of the width of the waterway) for a dock together with a moored watercraft into a canal in a PUD (Planned Unit Development) zoning classification. This request represents the applicants' desire to legitimize an existing boat dock together with a watercraft moored at the dock. The applicants state the dock meets the projection requirement however their watercraft moored at the dock encroaches into the projection requirement. This request equates to a 17% deviation of what the code allows. There are no variances to the dock and watercraft projection requirement in the immediate area. There is a code enforcement action (21CE-01424) pending with the Brevard County Planning and Development Department. If the Board approves this variance, it may want to limit its approval as depicted on the survey provided by the applicant with a revision date of 03/06/2024.

LOCATION MAP

White, Gloria & Kent
24V00011





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

Buffer Distance: 200 feet

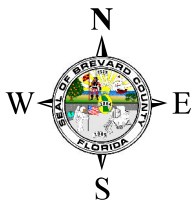
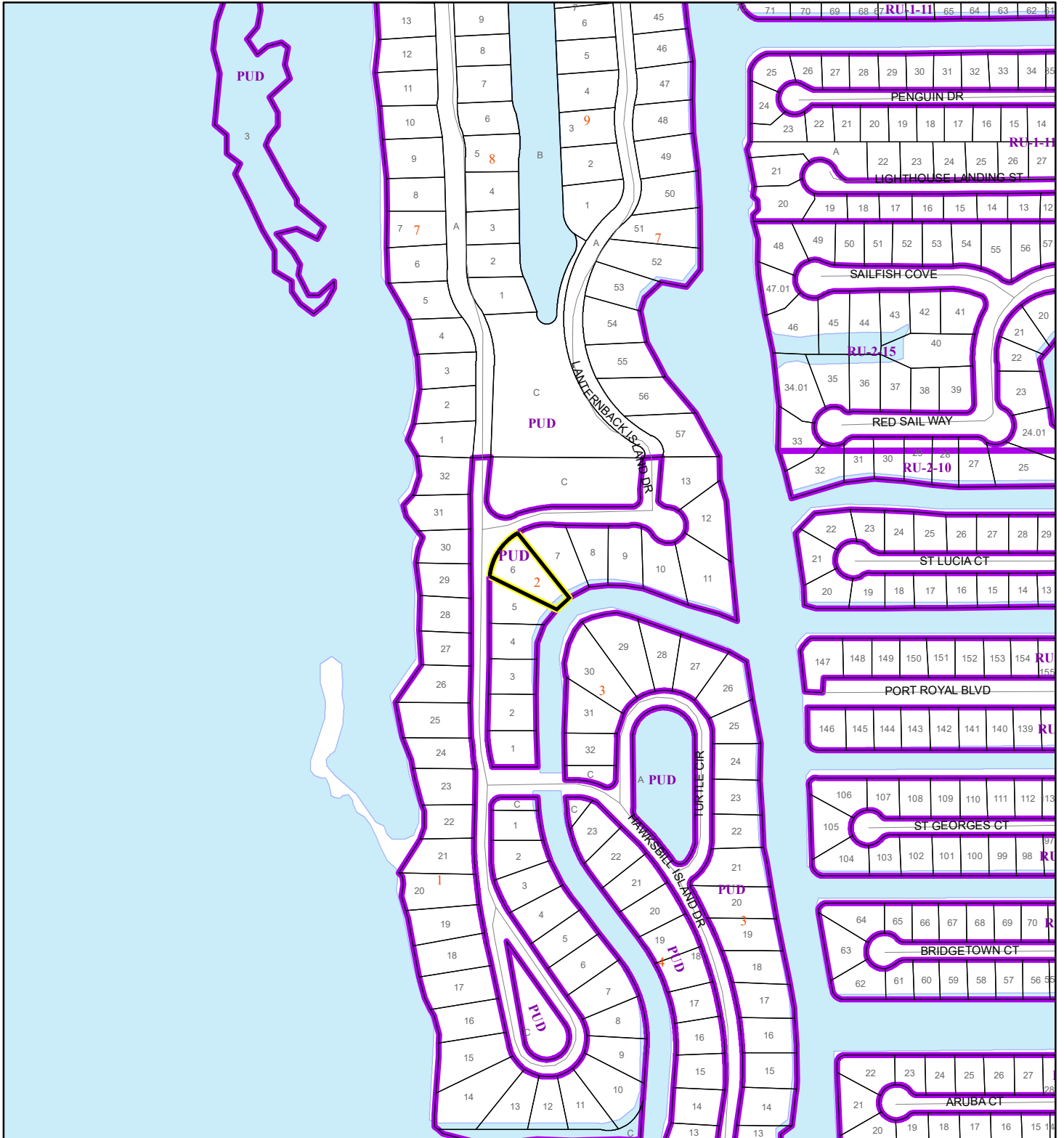
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 3/22/2024

-  Buffer
-  Subject Property

ZONING MAP

White, Gloria & Kent
24V00011



1:4,800 or 1 inch = 400 feet

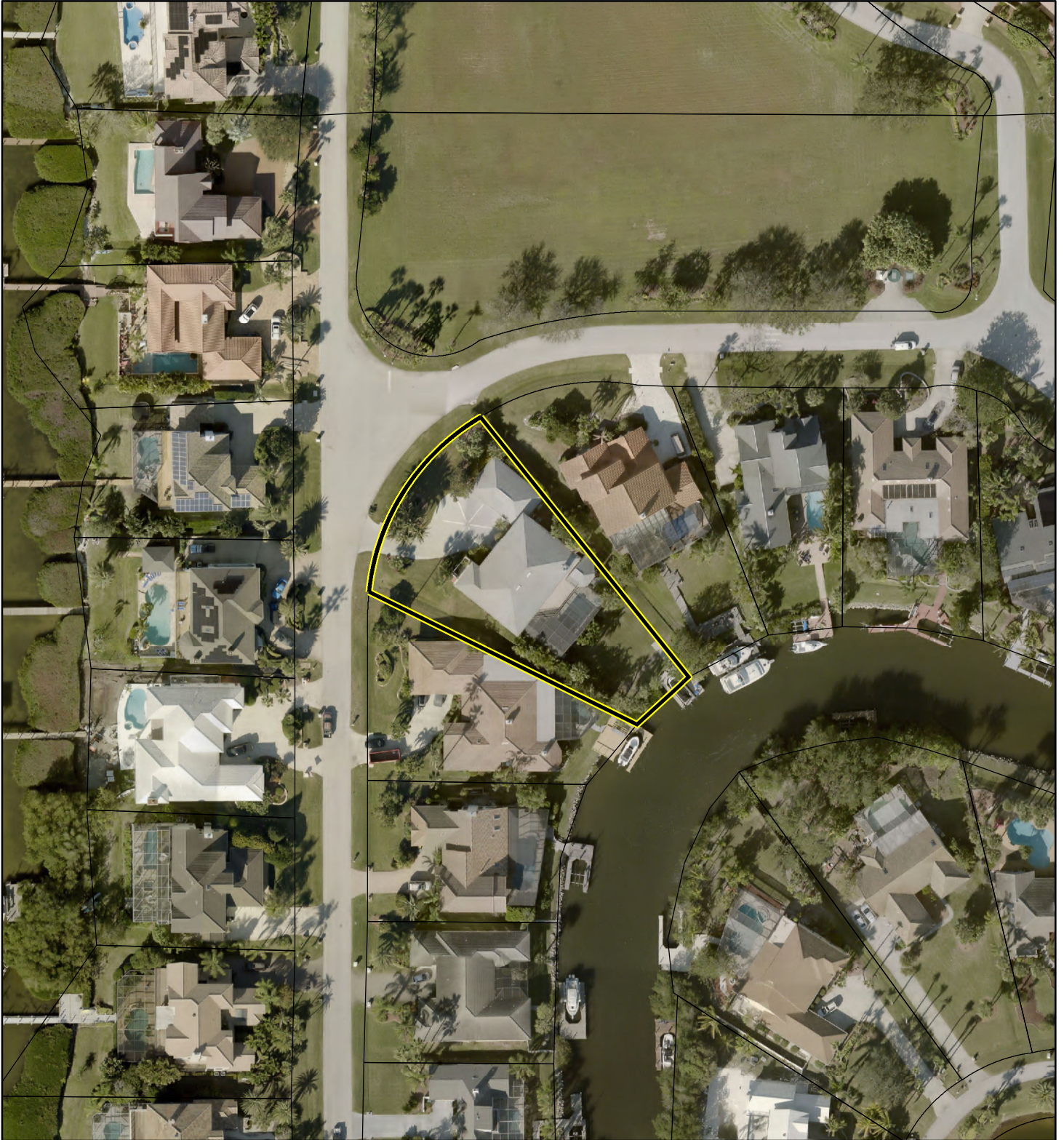
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Produced by BoCC - GIS Date: 3/22/2024

- Subject Property
- Parcels
- Zoning

AERIAL MAP

White, Gloria & Kent
24V00011





1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

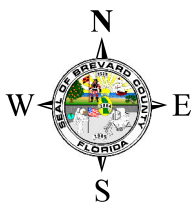
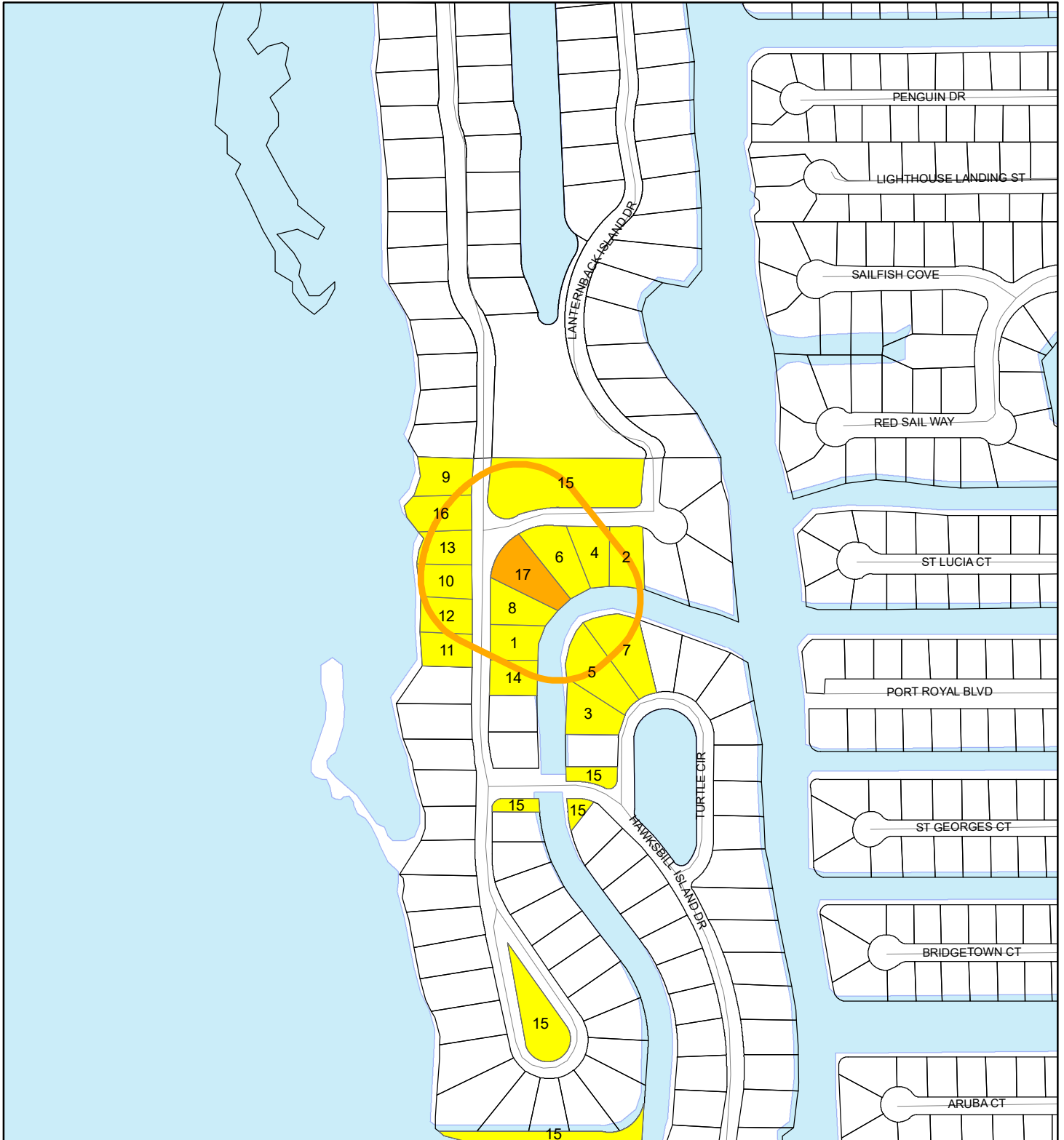
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Produced by BoCC - GIS Date: 3/22/2024

-  Subject Property
-  Parcels

RADIUS MAP

White, Gloria & Kent
24V00011







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Produced by BoCC - GIS Date: 3/22/2024

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

Yes. If Yes, indicate case number 21CE-01424, 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:

SEE attached document - Exhibit A

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

SEE attached document - Exhibit A

(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:

SEE attached document - Exhibit A

(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:

SEE attached document - Exhibit A

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

SEE attached document - Exhibit A

(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:

SEE attached document - Exhibit A

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 Gloria White Paul White

Signature of planner Paul Body

Exhibit A

RESPONSE TO VARIANCE HARDSHIP WORKSHEET FOR JUSTIFICATION OF APPLICATION

RESPONSE TO QUESTION 1:

The primary reason the Variance is needed is to accommodate the motor of our boat which extends beyond the property line limit, when the boat is docked and lifted. The Variance is only for 2 feet to accommodate the motor.

Our dock was built at the end of 2018 with final inspection on February 25, 2019 and passed inspection. Our boat was present in the dock at the time of the final inspection and it is the same boat we have today. During this time frame, we did obtain Home Owners Association permission to build the dock.

Along with our dock builder, Campbell Surveying Company, we worked with numerous people at the county to make sure what we were submitting to get the permit to build the dock was in compliance with all applicable county building standards. Including submitting multiple configurations for the dock layout due to our limited water frontage.

Additionally, we went to the neighbors on both side of us letting them know, well in advance, our intent to build a dock. Both submitted in writing that they had no issue with building our dock.

RESPONSE TO QUESTION 2:

We are applying for the Variance to eliminate any possible mistake. And no one could reasonably expect that the outboard motor dimension needed to be considered. As explained in Response to Question 1, we feel we were in accordance with what was expected.

RESPONSE TO QUESTION 3:

Our home is in a long established neighborhood built in the mid 1980's approximately 90% of the homes are waterfront. The majority of those homes have docks. We live on the inner canal which has limited boat traffic due to a bridge with only 7 ft clearance with mean low water, thus limiting the size of boats that can navigate through the canal.

RESPONSE TO QUESTION 4:

This response is more fully answered in Question 1 and 2. In addition, several of our submissions for the permit were in fact with the dock being placed parallel to the land, which were not approved. One submission would have required us to apply for a variance for the structure itself due to the radius of the canal, limiting options except what was submitted and ultimately permitted.

The placement of our dock was the only way it would fit as noted in the above paragraph, due to the side setbacks, property line, and the existing mangroves.

RESPONSE TO QUESTION 5:

As explained in Question 4, the placement of our dock was based on what was permitted. Multiple configurations were considered. The only one that worked was the one that was permitted.

RESPONSE TO QUESTION 6:

Our variance request does not impede the navigable water way of the inner canal. The 2 neighbors directly across the canal from us, our next door to the south and our neighbor 2 doors south of us are in support to the granting of this Variance. As answered in Question 3, we are on an inner canal which has limited boat traffic. There is no apparent reason to assume that the granting of the Variance will affect the Public Welfare.

LEGAL DESCRIPTION:

Lot 6, Block 2, of Tortoise Island Phase 3 Unit 2 a Subdivision as recorded in Plat Book 31, Page 34 of the Public Records of Brevard County, Florida.

SURVEY REPORT :

- 1. The intended purpose of this survey is a Specific Purpose Survey the boundary shown is for informational purposes only, as shown hereon.
2. The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible that there are documents of record unrecorded deeds, easements or other instruments that could affect the boundaries to the subject property.
3. This survey does not reflect or determine ownership.
4. This survey meets or exceeds the minimal horizontal control accuracy of 1:7500 for a suburban survey.
5. Measurements shown hereon are expressed in feet and decimal parts thereof.
6. Dimensions shown are taken at the exposed areas of improvements, underground footers, foundations, utilities or other subsurface structures are not located for the purpose of this survey.
7. Bearings are assumed, referenced to N65°13'25"W along the South Westerly Property line per plat.
8. This drawing is not valid unless bearing an original signature and embossed land surveyors seal.

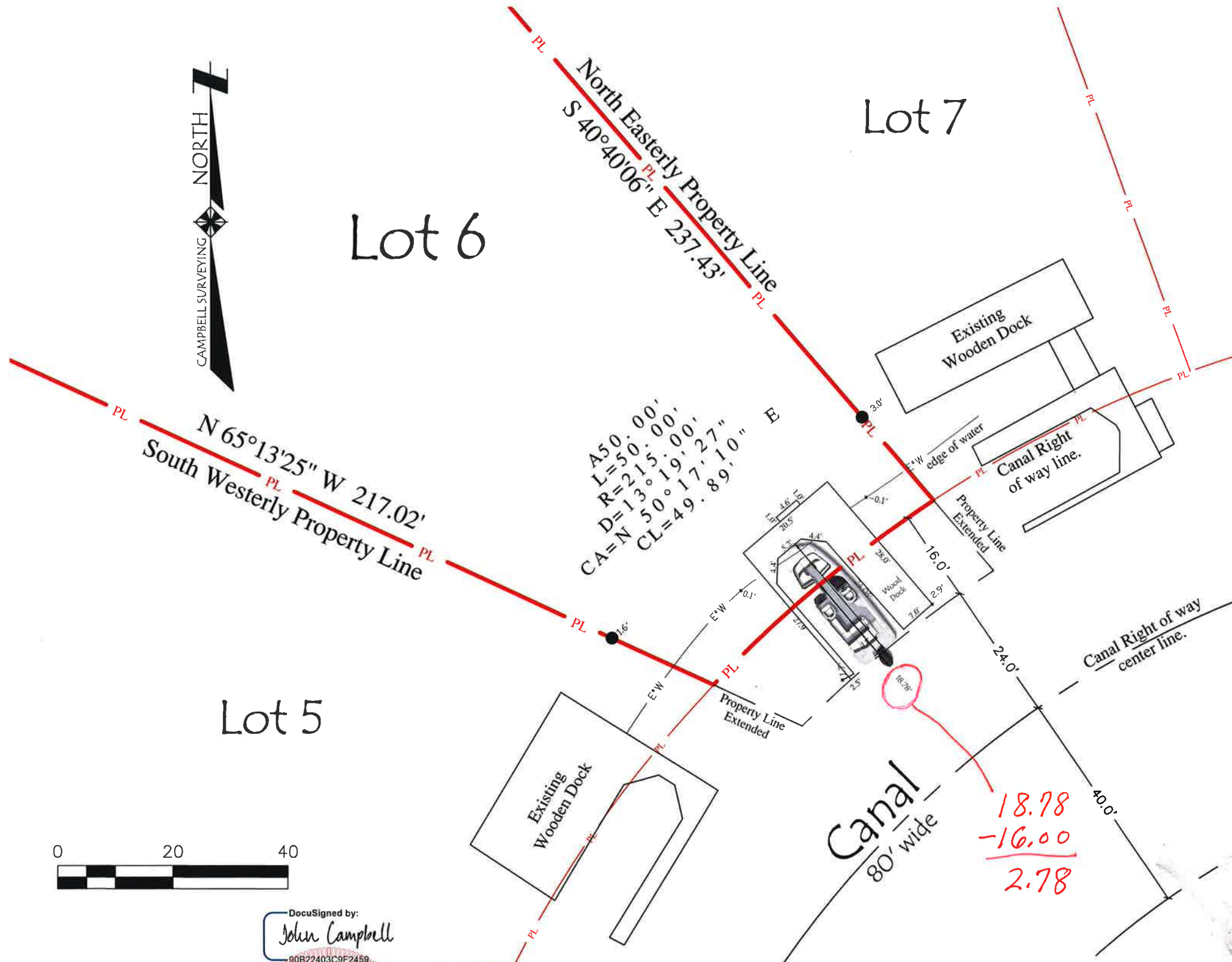
LEGEND:

- Set 5/8" iron rebar with cap marked: LS 2351 or LB 7978
Found iron rebar, size 5/8" and cap, as noted
O.T.P. Found Open Top Pipe
Found 1" Iron Pipe
Nail & Disk Control Point
Set 4"x 4" concrete monument with disk marked: LB 2351
Found 4"x 4" concrete monument with Brass disk marked with Surveyors number Per Plat as shown hereon
Found concrete monument, size and no identification
Found Round concrete monument, size and no identification
Set nail and disk marked: LB 2351
Found nail and disk, NO identification
F.F.E. = Finish Floor Elevation = F.F.E.
7.2' = Elevation = 7.2'

EXPLANATION OF ABBREVIATIONS

- A/C Air Conditioner
M Measured Distance
P Measurement On Plat
O.R.B. Official Record Book
PB Plat Book
LB Licensed Business
LS Licensed Surveyor
P.U.E. Public Utility Easement
P.U. & D.E. Public Utility Easement
TOB Top of Bank
«M» = Measured
«P» = Plat
«D» = Deed
«C» = Calced

MAP OF SURVEY



DocuSigned by: John Campbell
90B22403C9F2459



LICENSED BUSINESS #7978
115 Alma Blvd., Suite 102 / Mailing Address: P.O. Box 541866
Merritt Island, FL. 32954 Phone: (321) 514.6920

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON IS TRUE AND CORRECT BASED ON ACTUAL MEASUREMENTS TAKEN IN THE FIELD. THIS SURVEY MEETS THE STANDARD OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS FOUND IN CHAPTER 5J-17.005, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.
UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.
John R. Campbell
Professional Surveyor & Mapper #2351
State of Florida

Street Address : 465 Lanternback Island Drive
SPECIFIC PURPOSE SURVEY
DOCK AS-BUILT
PREPARED FOR AND CERTIFIED TO:
GLORIA L. WHITE
KENT D. WHITE

Table with columns: DRAWN BY: E.L. HALE, CHECKED BY: J.R. CAMPBELL, SECTION 33, DATE: 07/03/2018, PROJECT NO. 2018-240, TOWNSHIP 26 SOUTH, RANGE 39 EAST, REVISIONS, DATE, DESCRIPTION. Includes 4 revisions: 1 (8/15/18) UPDATE DOCK PLOT PLAN E.L.HALE, 2 (11/27/18) AS-BUILT DOCK E.L.HALE, 3 (03/06/24) COUNTY COMMENTS, 4 (04/29/24) UPDATED PER COUNTY COMMENTS.



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.3.

5/15/2024

Subject:

William Brim (Don Human) requests a variance for an accessory structure in a RRMH-1 (Rural Residential Mobile Home) zoning classification. (24V00012) (Tax Account 2005095) (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 one variance for an accessory structure in a RRMH-1 (Rural Residential Mobile Home) zoning classification.

Summary Explanation and Background:

William Brim (Don Human) requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1401(5)(b), to permit a variance to allow an accessory structure forward of the front building line of the principal structure in an RRMH-1 (Rural Residential Mobile Home) zoning classification. The property is 1.1 acres, located on the east side of Hog Valley Rd., approx. 400 ft. north of Bluebill Rd. (4235 Hog Valley Rd., Mims)

Clerk to the Board Instructions:

None



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

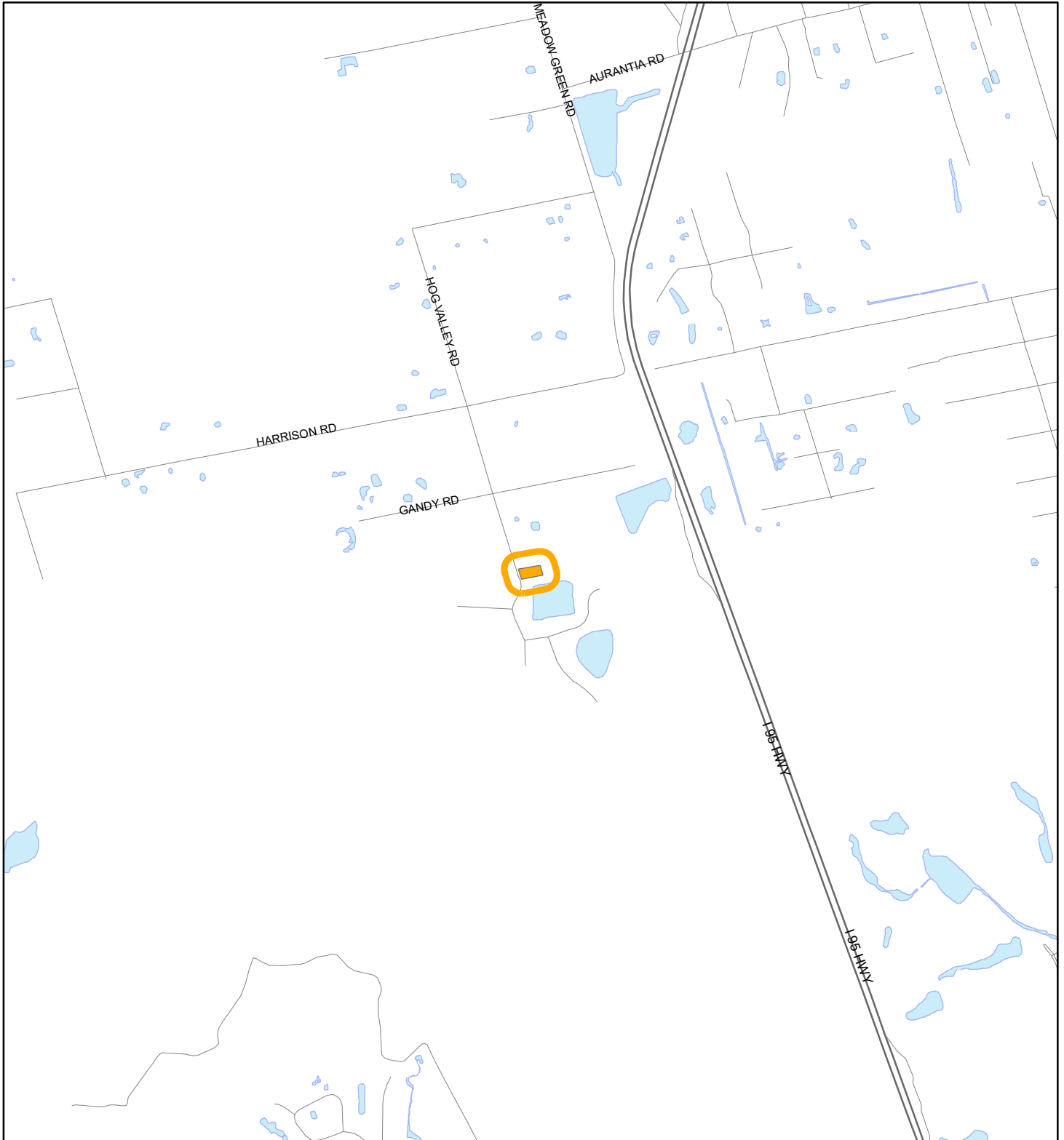
TO: Board of Adjustment Members
FROM: Paul Body, Senior Planner
Thru: Jeffrey Ball, AICP, Planning & Zoning Manager
SUBJECT: Variance Staff Comments for Wednesday, May 15, 2024
DATE: April 25, 2024

DISTRICT 1

3. (24V00012) William Brim (Don Human) requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1401(5)(b), to permit a variance to allow an accessory structure forward of the front building line of the principal structure in an RRMH-1 (Rural Residential Mobile Home) zoning classification. This request represents the applicants' desire to legitimize an existing accessory structure (pump house). The applicant states the pump house provides protection from the elements for the existing well and well pump. The applicant also states the well and pump together with the pump house were in this location when property was purchased on September 12, 2003, and this is the only source of water for the property. There are no variances to the accessory location requirement in the immediate area. There is no code enforcement action pending with the Brevard County Planning and Development Department. If the Board approves this variance, it may want to limit its approval as depicted on the survey provided by the applicant with a signed date of 03/11/2024.

LOCATION MAP

BRIM, WILLIAM C
24V00012





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

Buffer Distance: 200 feet

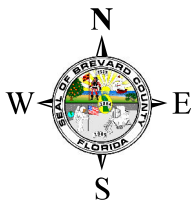
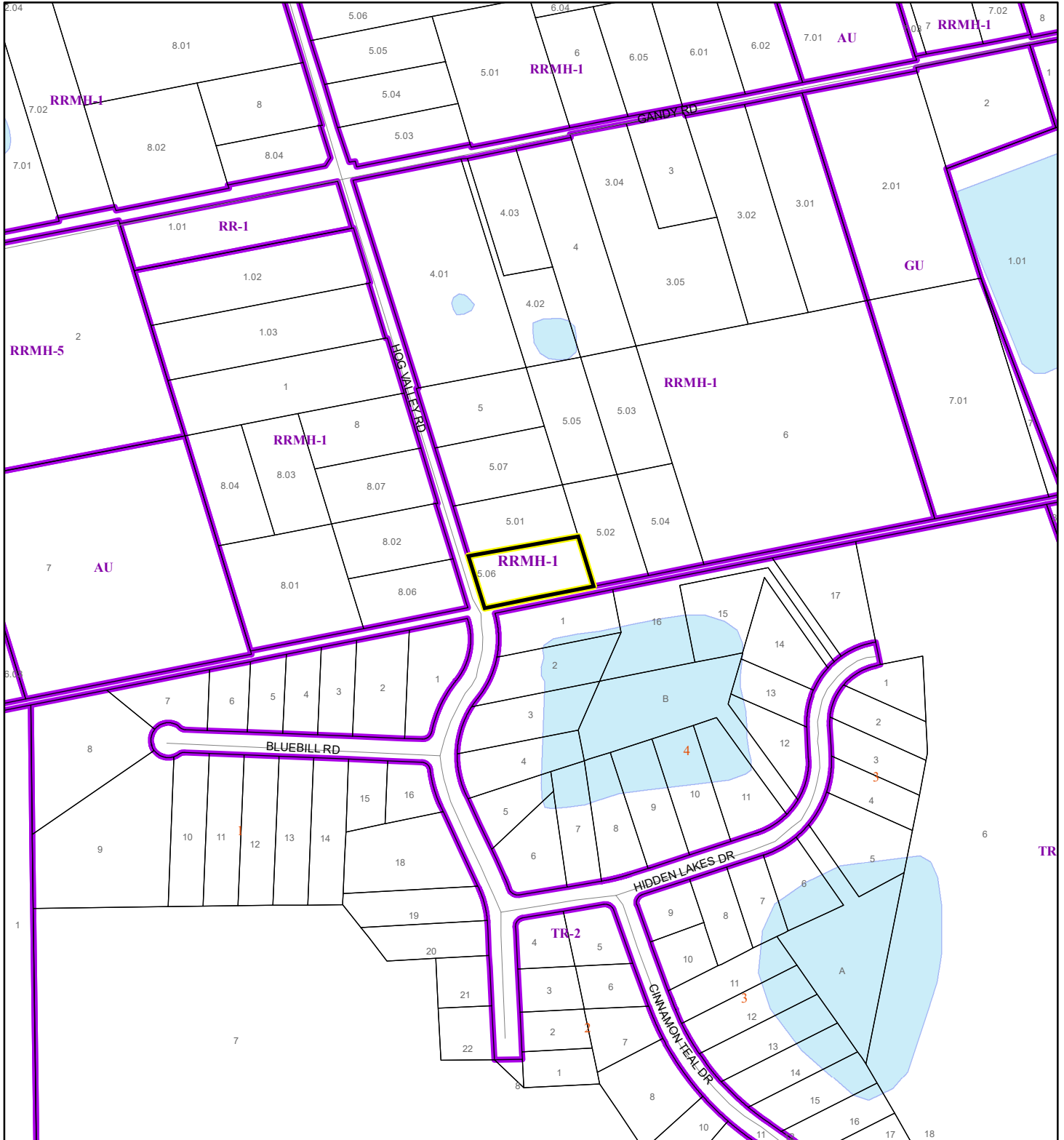
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/3/2024

-  Buffer
-  Subject Property

ZONING MAP




BRIM, WILLIAM C
24V00012



1:4,800 or 1 inch = 400 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: 4/3/2024

-  Subject Property
-  Parcels
-  Zoning

AERIAL MAP

BRIM, WILLIAM C
24V00012




1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

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.

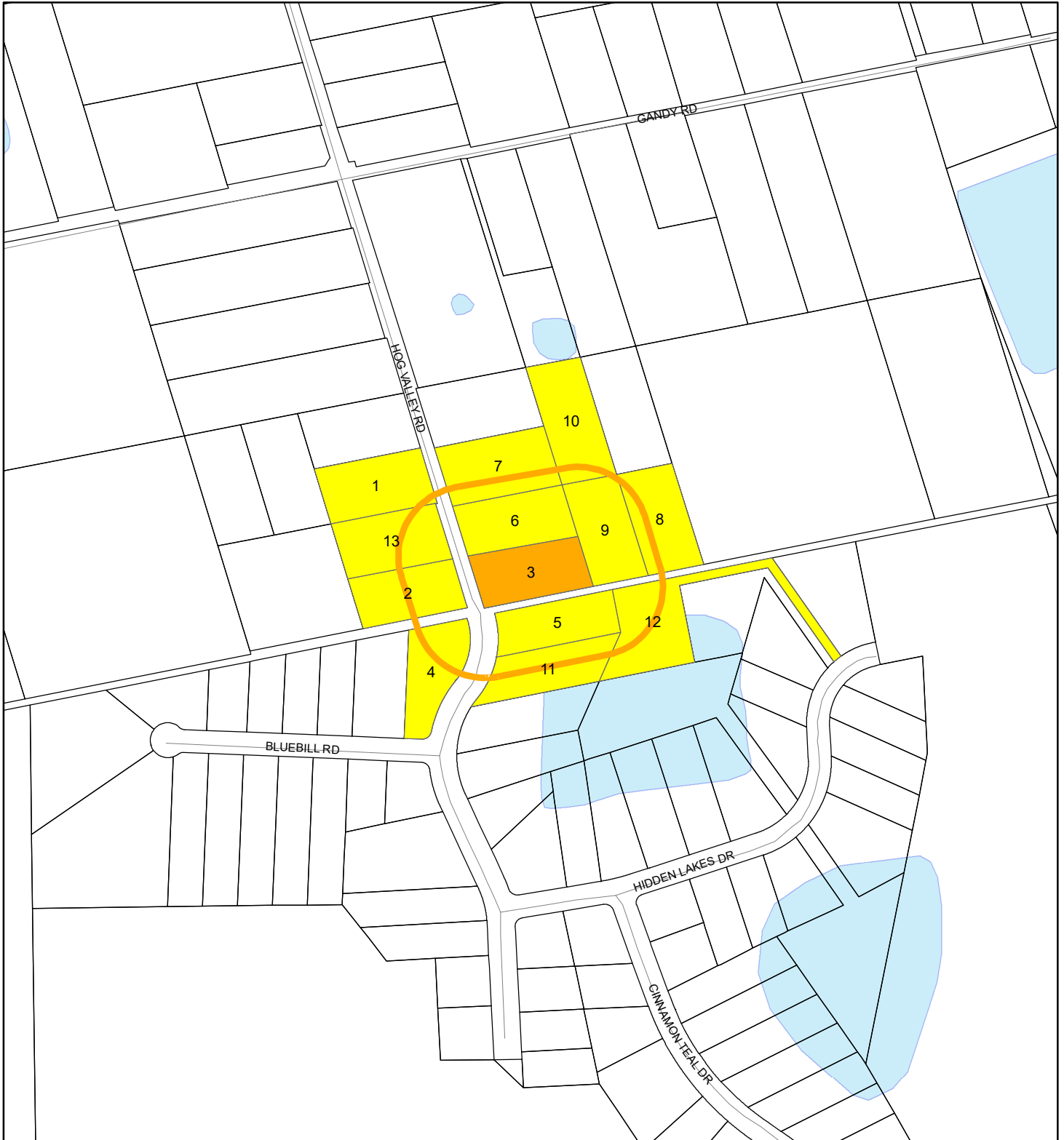
Produced by BoCC - GIS Date: 4/3/2024

 Subject Property

 Parcels

RADIUS MAP

BRIM, WILLIAM C
24V00012







1:4,800 or 1 inch = 400 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: 4/3/2024

-  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 existing well and pump has a 10'x10' pump house to protect to equipment.

The pump house is only large enoght to provide protection for the pump equipment.

The equipment is needed to provide water to the applicants home.

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

The well and the water systems equipment were existing when the house was purchased as was the 10' x 10' pump house. This water system is the only source of water for the applicant.

(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:

No Special Privilege would be confered, Pump houses are common in this area.

The well and water systems were installed by previoue owners.

Locations of wells for the purpose of pottable water are not always in convenient locations.

(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:

To remove the pump house would leave the pump, water softer, and pressure tanks exposed to the elements. Thus causing costly maintance and part replacement issues.
The well must remain in its current location

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

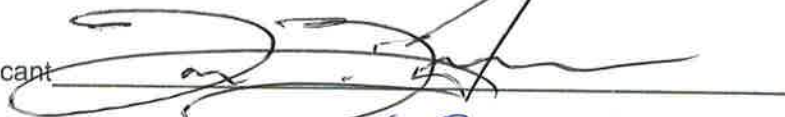
The size of the pump house is the minimum needed to fit the equipment inside.

(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:

This variance will be in Harmony with the general intent and purpose.

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.

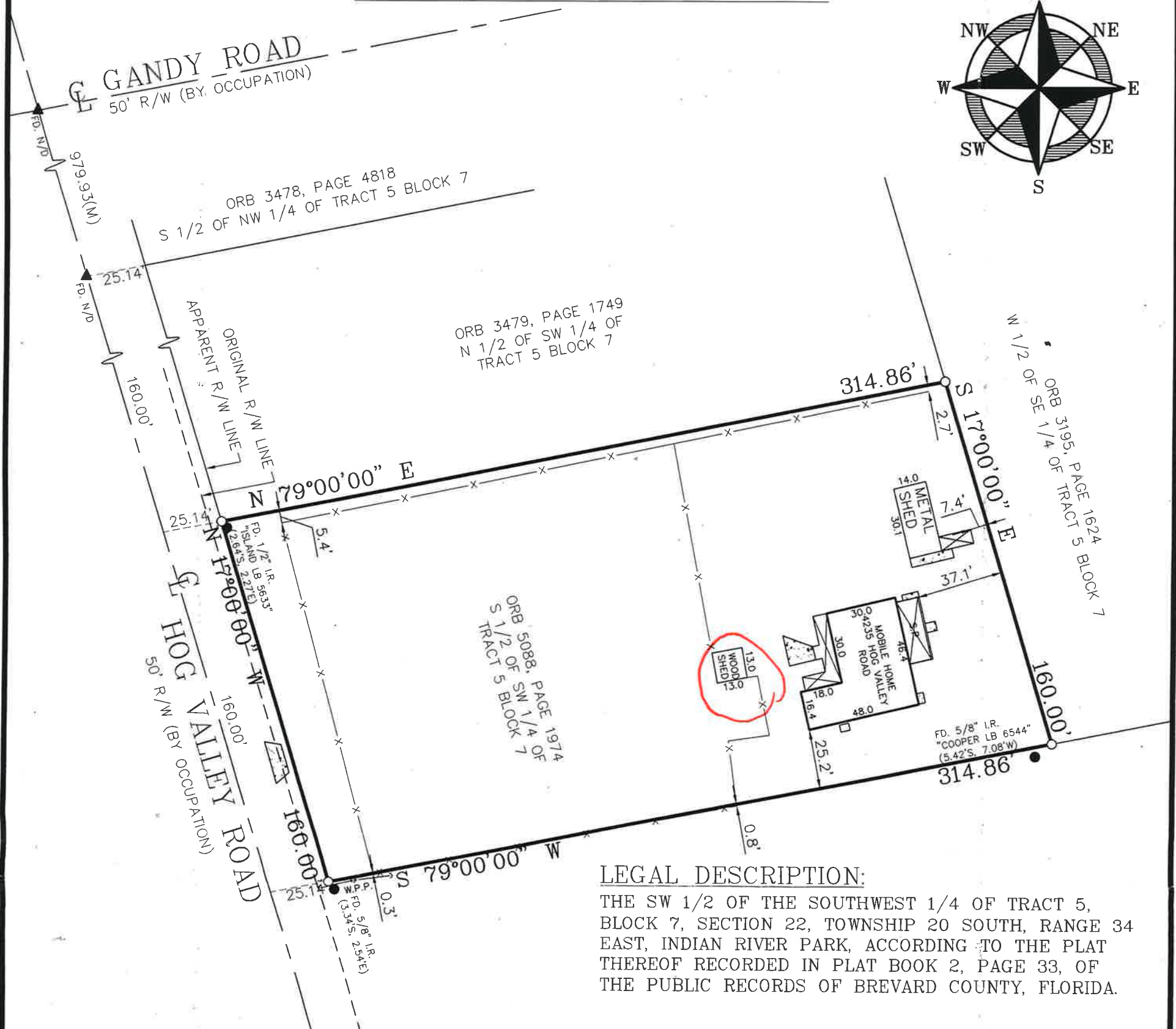
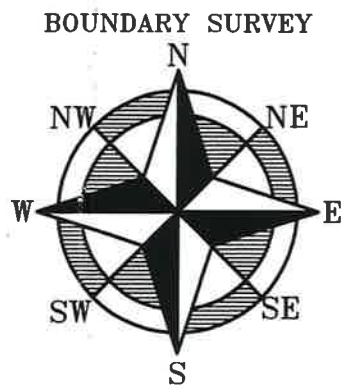
Signature of applicant



Signature of planner



SKETCH OF SURVEY



THE PURPOSE OF THIS SURVEY IS TO ESTABLISH THE BOUNDARY IN ACCORDANCE WITH THE FURNISHED LEGAL DESCRIPTION AND SHOW THE ABOVE GROUND IMPROVEMENTS TO ENABLE THE OWNERS OF THIS PROPERTY TO OBTAIN PERMITS/INSPECTIONS.

LEGEND: A/C = AIR CONDITIONER A.K.A. = ALSO KNOWN AS ALUM = ALUMINUM AVE = AVENUE BLK = BLOCK BLVD = BOULEVARD BM = BENCHMARK (CALC) = CALCULATED CB = CHORD BEARING C.B.S. = CONCRETE BLOCK STRUCTURE CD = CHORD DISTANCE C.L. = CHAIN LINK FENCE CL = CENTER LINE CM = CONCRETE MONUMENT CONC. = CONCRETE CT = COURT (D) = DEED DR = DRIVE DB = DEED BOOK D/W = DRIVEWAY	50x00 = PROPOSED ELEVATION 50x00 = ELEVATION SHOT ——— = DRAINAGE FLOW ESMT = EASEMENT ELEV = ELEVATION FF = FINISH FLOOR FD = FOUND FH = FIRE HYDRANT I.P. = IRON PIPE I.R. = IRON ROD LB = LICENSED BUSINESS (M) = MEASURED N/D = NAIL & DISK N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM ORB = OFFICIAL RECORDS BOOK OHW = OVERHEAD WIRE (P) = PLAT (P.R.) = PRO-RATED P.O.B. = POINT OF BEGINNING P.O.C. = POINT OF COMMENCEMENT	WETLAND FLAGS U.E. = UTILITY EASEMENT D.E. = DRAINAGE EASEMENT P.U.E. = PUBLIC UTILITY EASEMENT P.U. & D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT PC = POINT OF CURVATURE PRC = POINT OF REVERSE CURVATURE P.T. = POINT OF TANGENCY P.I. = POINT OF INTERSECTION PCP = PERMANENT CONTROL POINT PLS = PROFESSIONAL LAND SURVEYOR PG = PAGE PB = PLAT BOOK R/W = RIGHT-OF-WAY R.P. = RADIUS POINT S.P. = SCREEN PORCH ST = STREET S/W = SIDEWALK W.F. = WOOD FENCE WM = WATER METER WV = WATER VALVE	SURVEY SYMBOLS ± = MORE OR LESS O = POWER POLE —) = GUY WIRE L = ARC LENGTH R = RADIUS Δ = DELTA [Hatched Box] = COVERED AREA [Dotted Box] = CONC. ——— = CENTER LINE —X— = FENCE - - - = EASEMENT ● = FOUND AS NOTED ▲ = FOUND NAIL & DISK ■ = FOUND CONCRETE MONUMENT ○ = SET 5/8" IRON ROD "COOPER LB 6544" △ = SET NAIL & DISK "COOPER LB 6544" □ = SET 4"x4" CONCRETE MONUMENT "COOPER LB 6544"
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DRAWN BY: JAB CHECKED BY: J.W.C.

SCALE: 1" = 50'

SECTION 22, TOWNSHIP 20GS., RANGE 34 E.

LEGAL DESCRIPTION:
SEE ABOVE

CERTIFIED TO:
WILLIAM C BRIM

PROJECT No.	DATE	REVISION
SURVEY DATE: 1/30/24	PROJECT # 24-01-34	

- SURVEYORS NOTES:**
- Unless otherwise noted, only platted easements are shown hereon.
 - No underground utilities or improvements were located unless otherwise shown.
 - The surveyor no longer certifies the F.E.M.A. Zone. This certification is made by an independent contractor of the Federal Government. As a courtesy to the client, this surveyor feels that this parcel lies in F.I.R.M. Zone X per Community Panel No. 125092001006, dated 1/29/21.
 - Unless otherwise noted, any elevations shown are based on assumed datum.
 - Bearing shown hereon are based on the CENTERLINE OF HOG VALLEY ROAD as being N 17°00'00" W, according to ASSUMED DATUM.
 - This survey is prepared and certified for the exclusive use of the client named hereon.
 - Unless this sketch of survey bears the signature and raised seal of John W. Cooper PLS 5093, it is for information purposes only and is not a valid survey.
 - Additions or deletions to this sketch of survey by other than the signing party is prohibited without written consent of the signing party.
 - Ownership of fences is unknown unless otherwise noted. Due to the nature of fences it is recommended that you contact the undersigned surveyor prior to removal or installation of any fence.

John W. Cooper
 LAND SURVEYING INC.
 2326 S. HOPKINS AVENUE
 Titusville, Florida 32780
 LB 6544
 (321) 268-5646
 FAX (321) 268-5688

I hereby certify that this survey meets the Standards of Practice as set forth by the Florida Department of Agriculture and Consumer Services in Chapter 5J-15.051 Florida Administrative Code, Pursuant to section 472.027, Florida Statutes.

John W. Cooper 3/11/24
 John W. Cooper PSM 5093 Date Signed



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.4.

5/15/2024

Subject:

Vyto & Sylvia Bukausas request nine variances for accessory structures and a covered boat dock, including pilings, in a RU-1-13 (Single-Family Residential) zoning classification. (24V00013) (Tax Account 2432646) (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 nine variances for accessory structures and a covered boat dock, including pilings, in a RU-1-13 (Single-Family Residential) zoning classification.

Summary Explanation and Background:

Vyto & Sylvia Bukausas requests variances of Chapter 62, Article VI, Brevard County Code as follows, 1.) Section 62-1340(5)(b), to permit a variance of 7 ft. from the required 7.5-ft. (west) side setback for an accessory structure; 2.) Section 62-1340(5)(b), to permit a variance of 7.1 ft. from the required 7.5-ft. (east) side setback for an accessory structure; 3.) Section 62-1340(5)(b), to permit a variance to allow an accessory structure forward of the front building line of the principal structure; 4.) Section 62-1340(5)(b), to permit a variance of 6.6 ft. from the required 7.5-ft. (east) side setback for an accessory structure; 5.) Section 62-1340(5)(b), to permit a variance of 5 ft. from the 5-ft. separation distance required between accessory structures; 6.) Section 62-2118(d)(3), to permit a variance of 6.5 ft. over the 15-ft. maximum projection (20% of the width of the waterway) for a boat dock including pilings; 7.) Section 62-2118(d)(5), to permit a variance of 132.7 sq. ft. over the 500 sq. ft. maximum allowed for a roof over a boat dock; 8.) Section 62-2118(d)(5), to permit a variance of 35.6 sq. ft. over the 600-sq. ft. maximum square footage allowed for total coverage for a dock and roofed area; and 9.) Section 62-2100.5(1)(a), to permit a variance of one additional accessory structure over the permitted two accessory structures in a RU-1-13 (Single-Family Residential) zoning classification. The property is 0.24 acres, located on the south side of Shore Drive, approx. 800 ft. east of N. Banana River Dr. (1739 Shore Drive, Merritt Island)

Clerk to the Board Instructions:

None



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

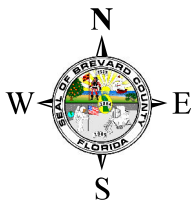
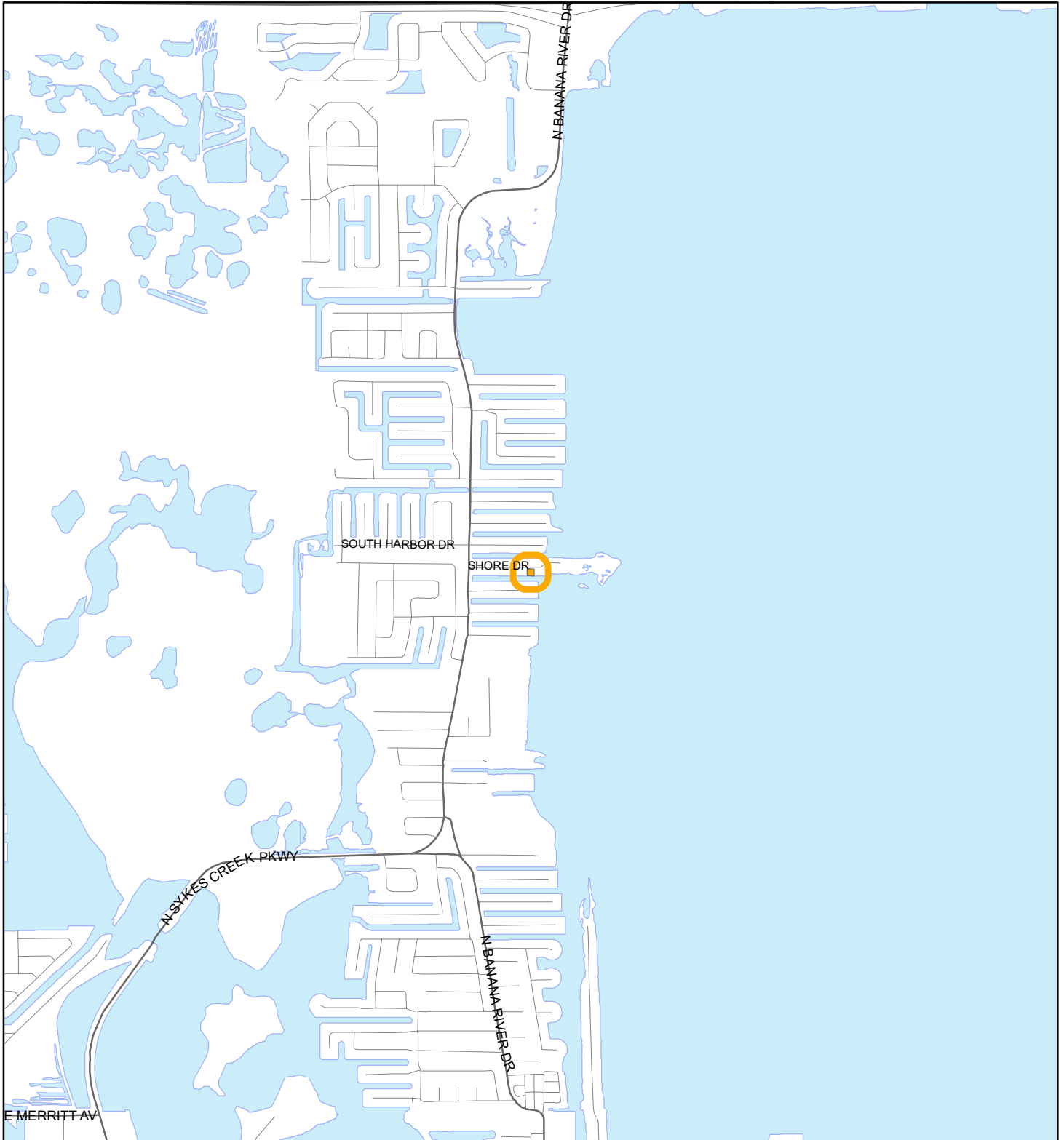
TO: Board of Adjustment Members
FROM: Paul Body, Senior Planner
Thru: Jeffrey Ball, AICP, Planning & Zoning Manager
SUBJECT: Variance Staff Comments for Wednesday, May 15, 2024
DATE: April 25, 2024

DISTRICT 2

4. (24V00013) Vyto & Sylvia Bukausas requests variances of Chapter 62, Article VI, Brevard County Code as follows, 1.) Section 62-1340(5)(b), to permit a variance of 7 ft. from the required 7.5-ft. (west) side setback for an accessory structure; 2.) Section 62-1340(5)(b), to permit a variance of 7.1 ft. from the required 7.5-ft. (east) side setback for an accessory structure; 3.) Section 62-1340(5)(b), to permit a variance to allow an accessory structure forward of the front building line of the principal structure; 4.) Section 62-1340(5)(b), to permit a variance of 6.6 ft. from the required 7.5-ft. (east) side setback for an accessory structure; 5.) Section 62-1340(5)(b), to permit a variance of 5 ft. from the 5-ft. separation distance required between accessory structures; 6.) Section 62-2118(d)(3), to permit a variance of 6.5 ft. over the 15-ft. maximum projection (20% of the width of the waterway) for a boat dock including pilings; 7.) Section 62-2118(d)(5), to permit a variance of 132.7 sq. ft. over the 500 sq. ft. maximum allowed for a roof over a boat dock; and 8.) Section 62-2118(d)(5), to permit a variance of 35.6 sq. ft. over the 600 sq. ft. maximum square footage allowed for total coverage for a dock and roofed area; 9.) Section 62-2100.5(1)(a), to permit a variance of one additional accessory structure over the permitted two accessory structures in a RU-1-13 (Single-Family Residential) zoning classification. This request represents the applicants' request to legitimize an existing boat dock with pilings together with existing accessory structures on the property. The applicants state the accessory structures along with the dock and pilings were in this location when property was purchased on December 30, 1997. The first request equates to a 93% deviation of what the code allows. The second request equates to a 95% deviation of what the code allows. The fourth request equates to a 88% deviation of what the code allows. The fifth request equates to a 100% deviation of what the code allows. The sixth request equates to a 43% deviation of what the code allows. The seventh request equates to a 27% deviation of what the code allows. The eighth request equates to a 6% deviation of what the code allows. The ninth request equates to a 50% deviation of what the code allows. There are no variances to the dock requirements or accessory setback requirements in the immediate area. There is a code enforcement action (23CE-01039) pending with the Brevard County Planning and Development Department. If the Board approves this variance, it may want to limit its approval as depicted on the survey provided by the applicant with a revision date of 03/26/2024.

LOCATION MAP

Bukauskas, Vyto & Sylvia
24V00013





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

Buffer Distance: 200 feet

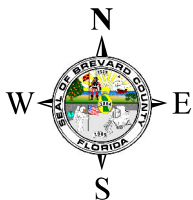
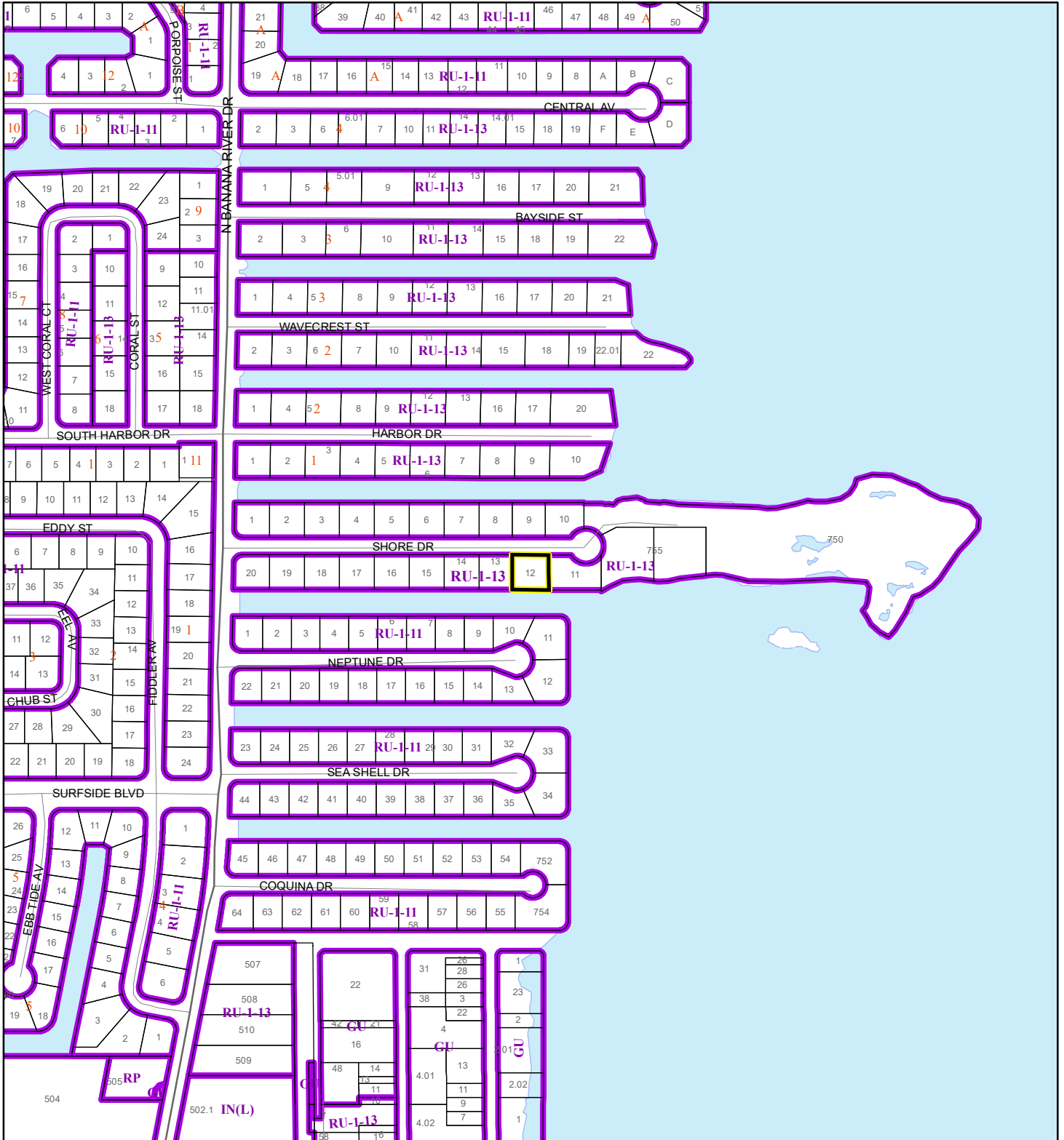
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/29/2024

-  Buffer
-  Subject Property

ZONING MAP

Bukauskas, Vyto & Sylvia
24V00013



1:4,800 or 1 inch = 400 feet

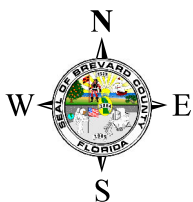
- Subject Property
- Parcels
- Zoning

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: 4/29/2024

AERIAL MAP

Bukauskas, Vyto & Sylvia
24V00013




1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

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.

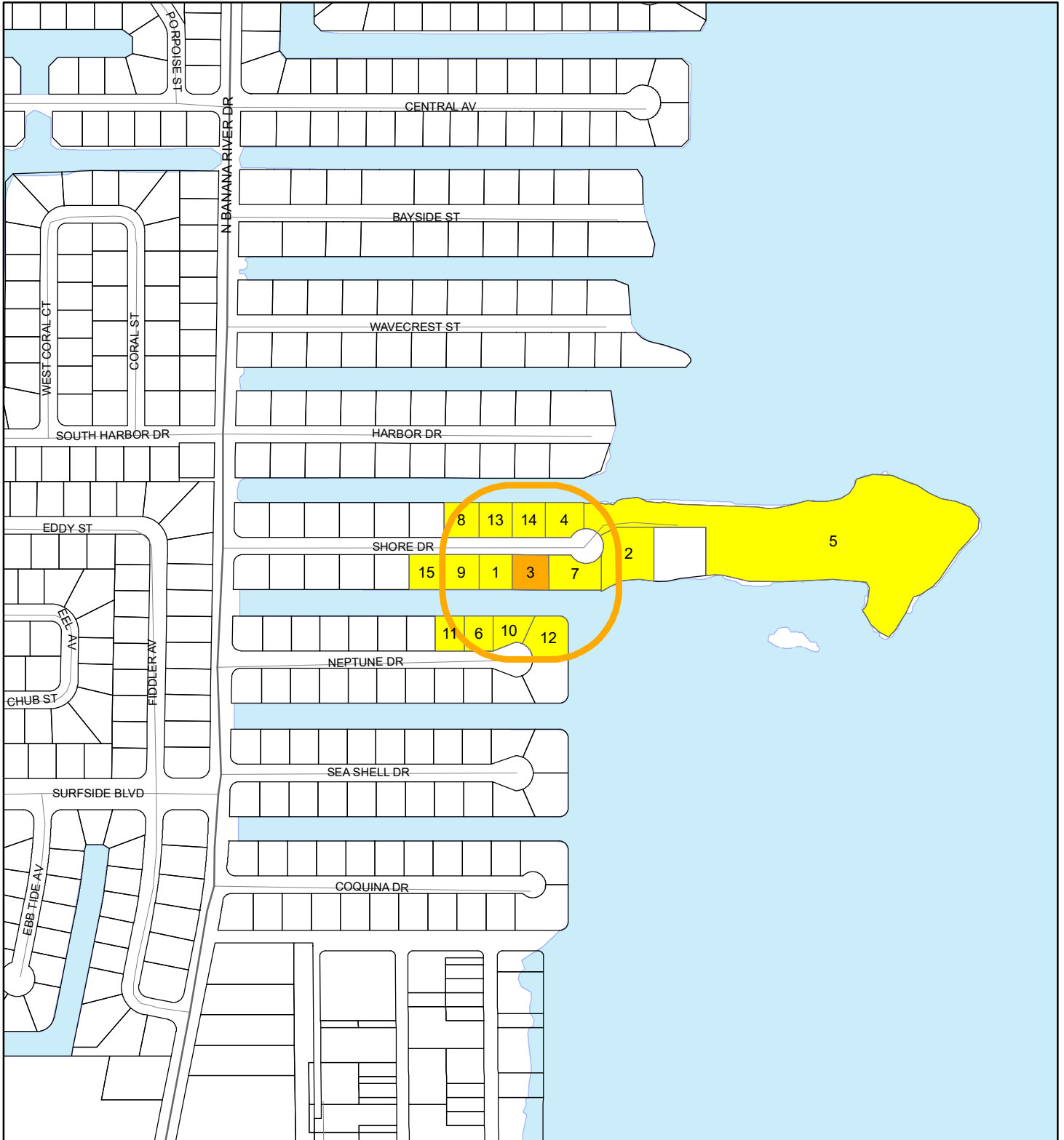
Produced by BoCC - GIS Date: 4/29/2024

 Subject Property

 Parcels

RADIUS MAP

Bukauskas, Vyto & Sylvia
24V00013







1:4,800 or 1 inch = 400 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: 4/29/2024

-  Buffer
-  Subject Property
-  Notify Property
-  Parcels

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

Yes. If Yes, indicate case number 23CE-01039 (for shed), and
name of contractor N/A

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 location of the home on the property makes it difficult to situate a shed and meet the current setback requirements. We received a complaint for a shed setback violation, and Curtis Britt identified it to be a 6'x10' shed (as depicted on the Brevard County Appraisers sketch) for which we are seeking a variance. While the shed does violate today's code just like others in our neighborhood, including our immediate neighbors to the N, S, E and W, we believe the complaint was actually over a temporary Sunshade cloth 12'x16' (visible from the street) erected to protect orchids while we were installing permitted underground electrical on the east side of the house. Per Curtis from the NOV: "The shed requires a work permit (referring to our 6'x10' shed). Upon doing so, it may require a 7 (seven) foot setback from the property line of the next door neighbor to the west of your residence. The other option would be to remove the shed."

Per discussion with Paul Body on 1/24, a 6'x10' shed does not require a work permit, although all sheds must meet setbacks. Paul added that we can not just address the shed in the variance, all property issues need to be addressed at the same time. The shed is on skids and can be moved if necessary for maintenance, etc. The shed is used to store typical items such as yard tools, crab traps, life jackets, etc., just like our neighbors do with their sheds.

Other non code identified issues include a 2'x4' Rubbermaid shed/storage bin used for pool chemicals on the east side of the property fence line, a 144 Sq Ft CVPTL (Covered Patio) also identified in the Brevard County Appraisers sketch, and a boat dock that exceeds the 20% canal width along with three mooring piles.

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

No alterations have been performed to the property by us, we purchased the property in 1997 as is. The violations were not made known to us by previous owners, sales agents, closing agents, or inspectors.

(over)

(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:

A brief aerial review and drive-by of homes on Shore Dr. and the streets north (Harbor Dr.) and south (Neptune Dr.) reveal approximately 58 "visible" setback violations out of the 64 homes, and many docks extending 30%+ of the canal width. These are not unique to our areas and exist throughout most of Brevard County including the Banana River and Sykes Creek areas. Docks exceeding 30% of the canal width exist on our canal. Our dock extends 18.5' (~24.6%) and was most likely constructed when rules were not so restrictive (primarily creosote piles/poles). Granting this variance will not confer any special privileges, it will only allow us to enjoy the same privileges as others in our community.

(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:

Sheds and lean-to's exist throughout the area, especially at older home locations due to their smaller size and more limited storage areas. We are asking for a variance so that we may enjoy the same benefits afforded to others in our neighborhood. Enforcement would deprive us the rights enjoyed by other property owners in our neighborhood. Granting this variance will not result in any special privilege.

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

The variance granted is the minimum variance that will make possible the reasonable use of the land as others in the local/surrounding community.

(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:

This home was built in the 60's, and there have not been any known set back complaints, or set back code enforcement violations/actions. Approval of these variances are no way injurious to the area involved or detrimental to the public welfare. Approximately 90% of the homes have the exact same dock and shed issues.

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

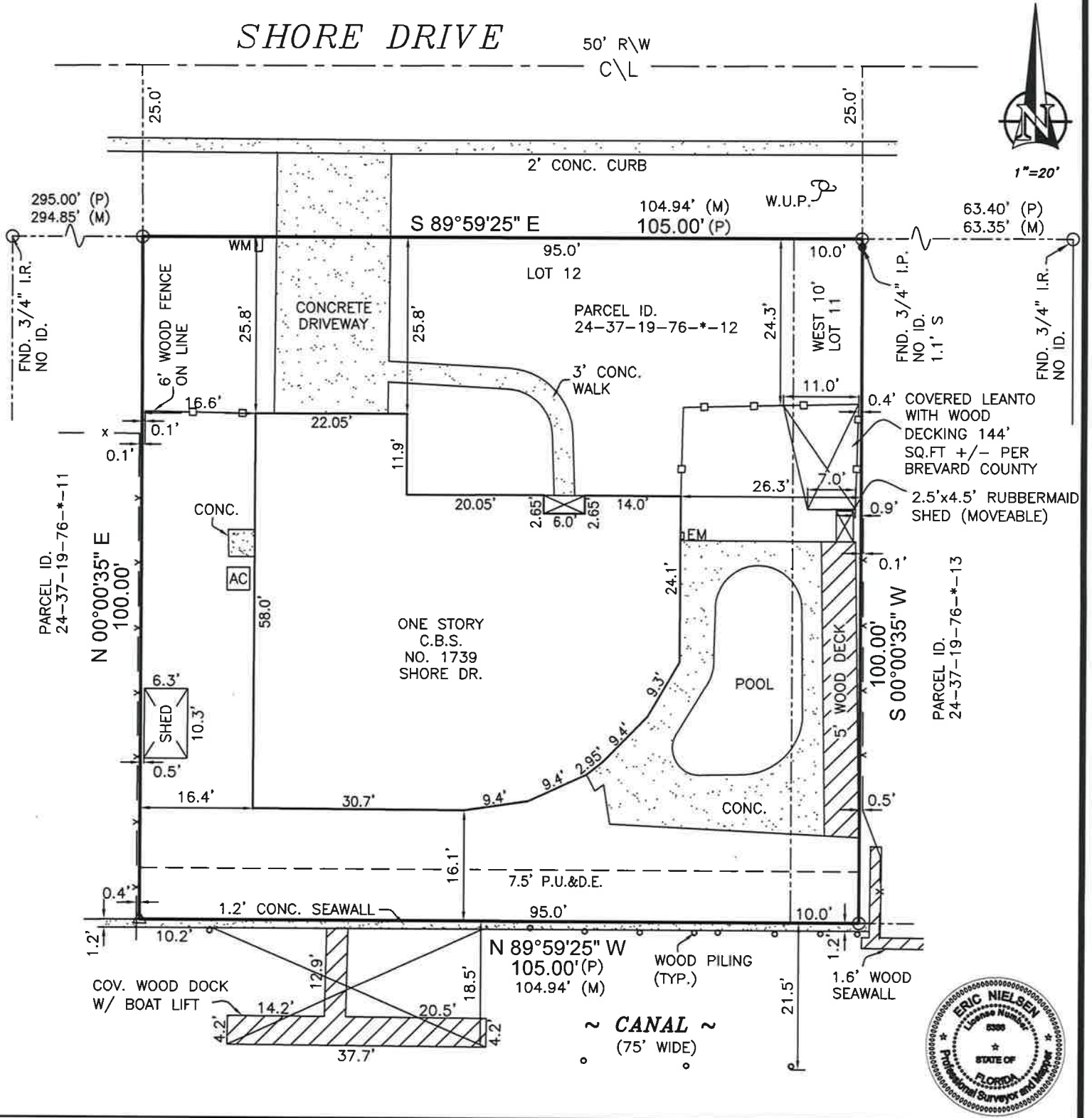


Signature of planner



DESCRIPTION:

LOT 12 AND WEST 10 FEET OF LOT 11
FIRST ADDITION TO PLAT OF CANAVERAL SECOND SECTION
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGE 114,
OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.



SURVEYORS NOTES:

- This property is located in Flood Zone(s) X&AE, The Residence is lying in Flood Zone(s) X&AE, Map No. 12009C0345H, Panel No. 345, Suffix H, Community No. 120592, Effective Date, January 29, 2021.
- The bearings shown are based on an Assumed North Meridian, Being S 89° 59' 25" E along the South R/W line of Shore Drive.
- This is Real Property being situated in Section 19, Township 24S, Range 37E.
- The Surveyor has not abstracted the property. Only platted or furnished easements or encumbrances that may restrict the property are shown.
- Underground improvements are not located unless requested.
- Elevations if shown hereon based on NAVD88.

LEGEND & ABBREVIATIONS:

○ = Set 5/8" iron rod with plastic cap
 △ = Set nail with metal disc □ = Set concrete monument with disc
 —○— = 4' C.L.F. —x— = 6' VINYL FENCE
 —□— = 6' W.F. ——— = OHPL
 ——— = OHPL

(B.M.)=Benchmark,(CONC.)=Concrete,(C/L)=Centerline,(C.B.S.)=Concrete Block Structure
 (C.B.S.)=Concrete Block Structure,(C.&S.)=Covered and Screened,
 (C.M.)=Concrete Monument,(C.M.P.)=Corrugated Metal Pipe,(C.L.F.)=Chain Link Fence
 (D)=Deed,(E.M.)=Electric Meter,(F.F.E.)=Finished Floor Elevation,(Fnd.)=Found,
 (F.P.R.)=Fixed Point of Reference, (IRC)=Iron Rod with Cap,(I.P.)=Iron Pipe
 (G.M.)=Gas Meter,(L.B.)=Licensed Business,(L.S.)=Licensed Surveyor,(M.)=Measured
 (M.E.S.)=Mitered End Section,(N&D)=Nail & Disc,(O.R.B.)=Official Records Book,
 (OHPL)=Over Head Power Line,(P.C.P.)=Permanent Control Point, (P)=Plat
 (P.O.B.)=Point of Beginning,(P.O.C.)=Point of Commencement
 (P.R.M.)=Permanent Reference Monument,(P.U.& D.E.)=Public Utility & Drainage Easement,
 (RNG.)=Range,(R.C.P.)=Reinforced Conc. Pipe,(R/W)=Right of Way,(SEC.)=Section
 (TWP.)=Township,(WUP)=Wood Utility Pole,(W.F.S.)=Wood Frame Structure,(W.M.)=Water Meter

CERTIFIED TO: VYTAUTAS V. BUKAUSKAS
 SYLVIA V. BUKAUSKAS

Certified By: *EA* Signature Date: 3-26-24

I Eric Nielsen Profesional Surveyor & Mapper, No. 5386, L.B. 6946, State of Florida certify this map of survey meets the standards set per Florida Administrative Code 5J-17.051 pursuant to Chapter 472.027 per Florida Statutes.

This copyright survey is certified for the exclusive use of the client named hereon. any other use by third parties is forbidden. Survey only valid (90) days from date.

Revisions:
 REVISIONS TO SURVEY PER
 BREVARD COUNTY 03-26-2024

Eric Nielsen Land Surveying, Inc.
 12 Stone Street, Cocoa, FL 32922
 Ph: (321) 631-5654
 email: nielsensurveying@bellsouth.net

SCALE: 1" = 20' DATE: 02-26-2024 JOB NO. 24-079-02

MAP OF BOUNDARY SURVEY

DESCRIPTION:

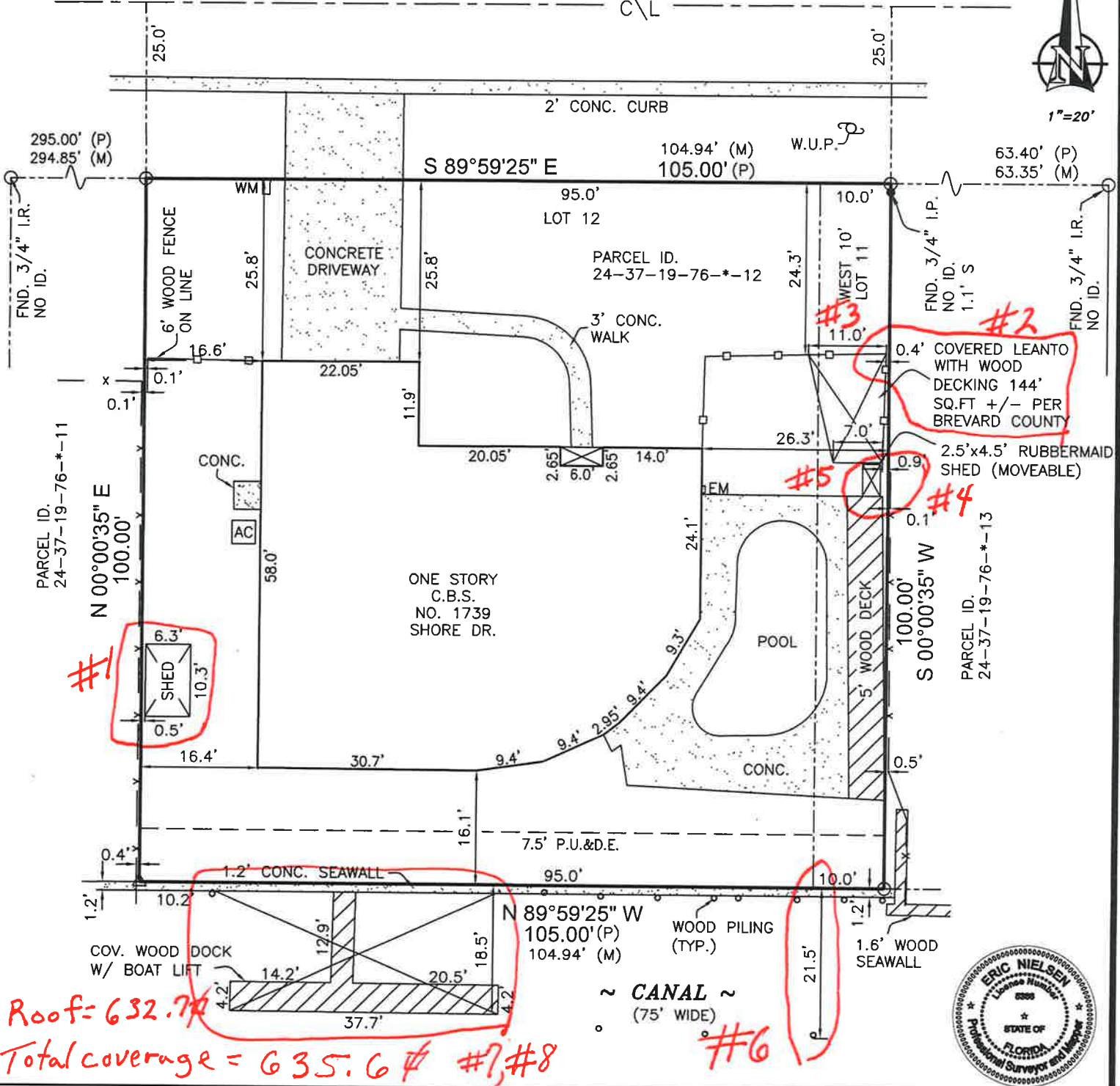
LOT 12 AND WEST 10 FEET OF LOT 11
FIRST ADDITION TO PLAT OF CANAVERAL SECOND SECTION
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 16, PAGE 114,
OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

SHORE DRIVE

50' R\W
C\L



1"=20'



SURVEYORS NOTES:

- This property is located in Flood Zone(s) X&AE, The Residence is lying in Flood Zone(s) X&AE, Map No. 12009C0345H, Panel No. 345, Suffix H, Community No. 120592, Effective Date, January 29, 2021.
- The bearings shown are based on an Assumed North Meridian, Being S 89° 59' 25" E along the South R/W line of Shore Drive.
- This is Real Property being situated in Section 19, Township 24S, Range 37E.
- The Surveyor has not abstracted the property. Only platted or furnished easements or encumbrances that may restrict the property are shown.
- Underground improvements are not located unless requested.
- Elevations if shown hereon based on NAVD88.

LEGEND & ABBREVIATIONS:

- = Set 5/8" iron rod with plastic cap
 - △ = Set nail with metal disc
 - = Set concrete monument with disc
 - = 4' C.L.F.
 - x— = 6' VINYL FENCE
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- (B.M.)=Benchmark,(CONC.)=Concrete,(C\L)=Centerline,(C.B.S.)=Concrete Block Structure
 (C.B.S.)=Concrete Block Structure,(C.&S.)=Covered and Screened,
 (C.M.)=Concrete Monument,(C.M.P.)=Corrugated Metal Pipe,(C.L.F.)=Chain Link Fence
 (D)=Deed,(E.M.)=Electric Meter,(F.F.E.)=Finished Floor Elevation,(Fnd.)=Found,
 (F.P.R.)=Fixed Point of Reference, (IRC)=Iron Rod with Cap,(I.P.)=Iron Pipe
 (G.M.)=Gas Meter,(L.B.)=Licensed Business,(L.S.)=Licensed Surveyor,(M)=Measured
 (M.E.S.)=Mitered End Section,(N&D)=Nail & Disc,(O.R.B.)=Official Records Book,
 (OHPL)=Over Head Power Line,(P.C.P.)=Permanent Control Point, (P)=Plat
 (P.O.B.)=Point of Beginning,(P.O.C.)=Point of Commencement
 (P.R.M.)=Permanant Reference Monument,(P.U. & D.E.)=Public Utility & Drainage Easement,
 (RNG.)=Range,(R.C.P.)=Reinforced Conc. Pipe,(R\W)=Right of Way,(SEC.)=Section
 (TWP.)=Township,(WUP)=Wood Utility Pole,(W.F.S.)=Wood Frame Structure,(W.M.)=Water Meter

CERTIFIED TO: VYTAUTAS V. BUKAUSKAS
SYLVIA V. BUKAUSKAS

Certified By: *Eric Nielsen* Signature Date: 3-26-24
I Eric Nielsen Professional Surveyor & Mapper, No. 5386, L.B. 6946, State of Florida certify this map of survey meets the standards set per Florida Administrative Code 5J-17.051 pursuant to Chapter 472.027 per Florida Statutes.

This copyright survey is certified for the exclusive use of the client named hereon, any other use by third parties is forbidden. Survey only valid (90) days from date.

Revisions: REVISIONS TO SURVEY PER BREVARD COUNTY 03-26-2024	Eric Nielsen Land Surveying, Inc. 12 Stone Street, Cocoa, FL 32922 Ph: (321) 631-5654 email: nielsensurveying@bellsouth.net
SCALE: 1" = 20'	DATE: 02-26-2024
	JOB NO. 24-079-02



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.5.

5/15/2024

Subject:

Rebecca Schenck requests a variance for the principal structure, in an EU (Estate Use) zoning classification. (24V00014) (Tax Account 2413520) (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 the principal structure, in an EU (Estate Use) zoning classification.

Summary Explanation and Background:

Rebecca Schenck requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1339(5)(a), to permit a variance of 11 ft. from the 25-ft. front setback required for a principal structure in an EU (Estate Use) zoning classification. The property is 0.64 acres, located on the west side of N. Indian River Dr., at the intersection of N. Indian River Dr. and Highview Dr. (3101 N. Indian River Dr., Cocoa)

Clerk to the Board Instructions:

None



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

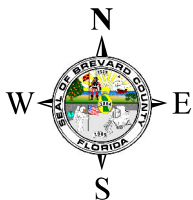
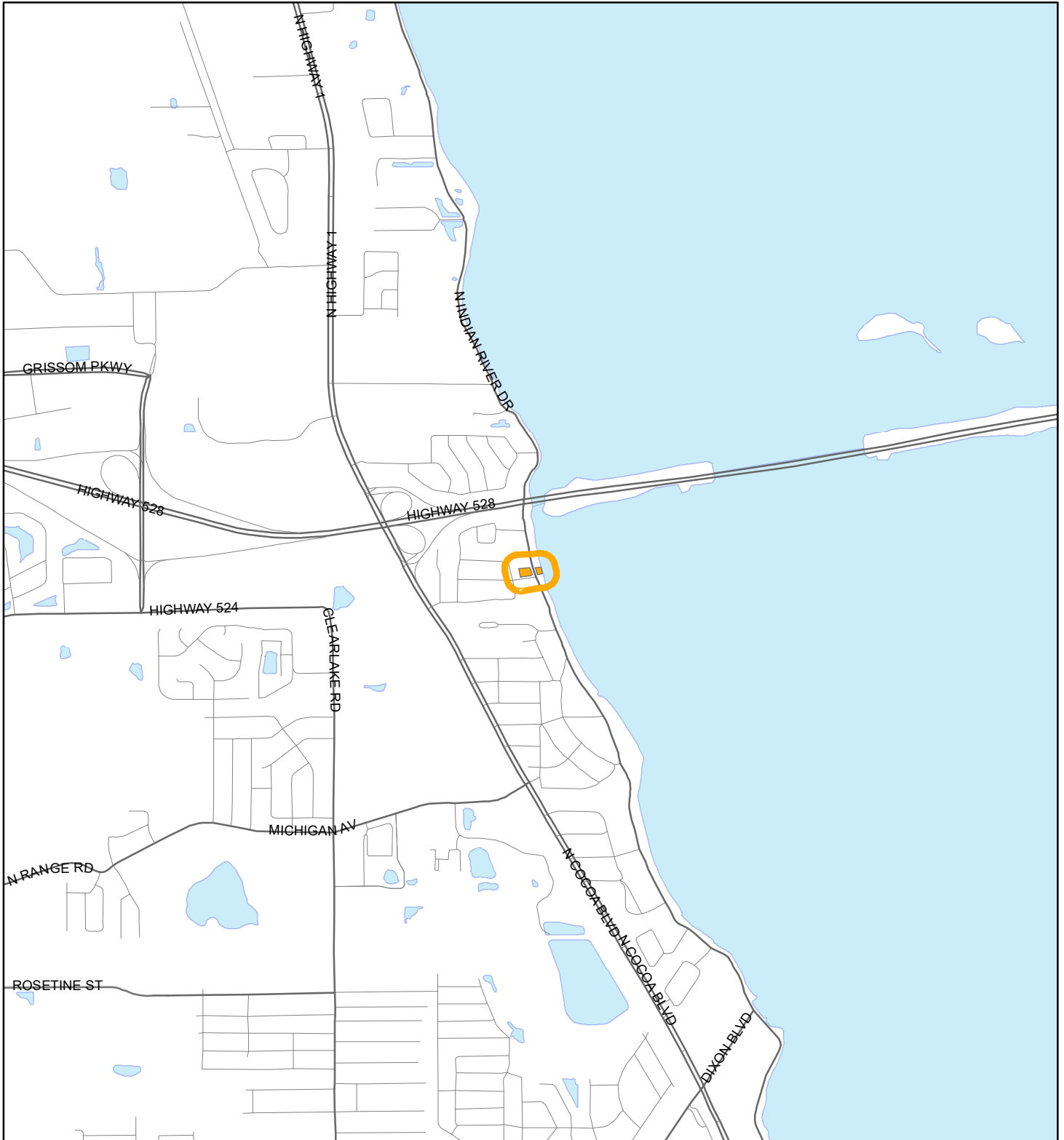
TO: Board of Adjustment Members
FROM: Paul Body, Senior Planner
Thru: Jeffrey Ball, AICP, Planning & Zoning Manager
SUBJECT: Variance Staff Comments for Wednesday, May 15, 2024
DATE: April 25, 2024

DISTRICT 2

5. (24V00014) Rebecca Schenck requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-1339(5)(a), to permit a variance of 11 ft. from the 25 ft. front setback required for a principal structure in an EU (Estate Use) zoning classification. This request represents the applicant's request to build an attached covered porch on the front of the house. The applicant states the location of the existing house was built in 1961 by a previous owner and with the location of the house there is not room for a porch addition to the house. This request equates to a 44% deviation of what the code allows. There is no variance to the front setback requirement for a 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 this variance, it may want to limit its approval as depicted on the survey provided by the applicant with a revision date of 04/01/2024.

LOCATION MAP

REBECCA CHRISTINE SCHENCK MANAGEMENT TRUST
24V00014





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.

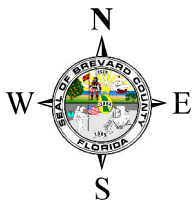
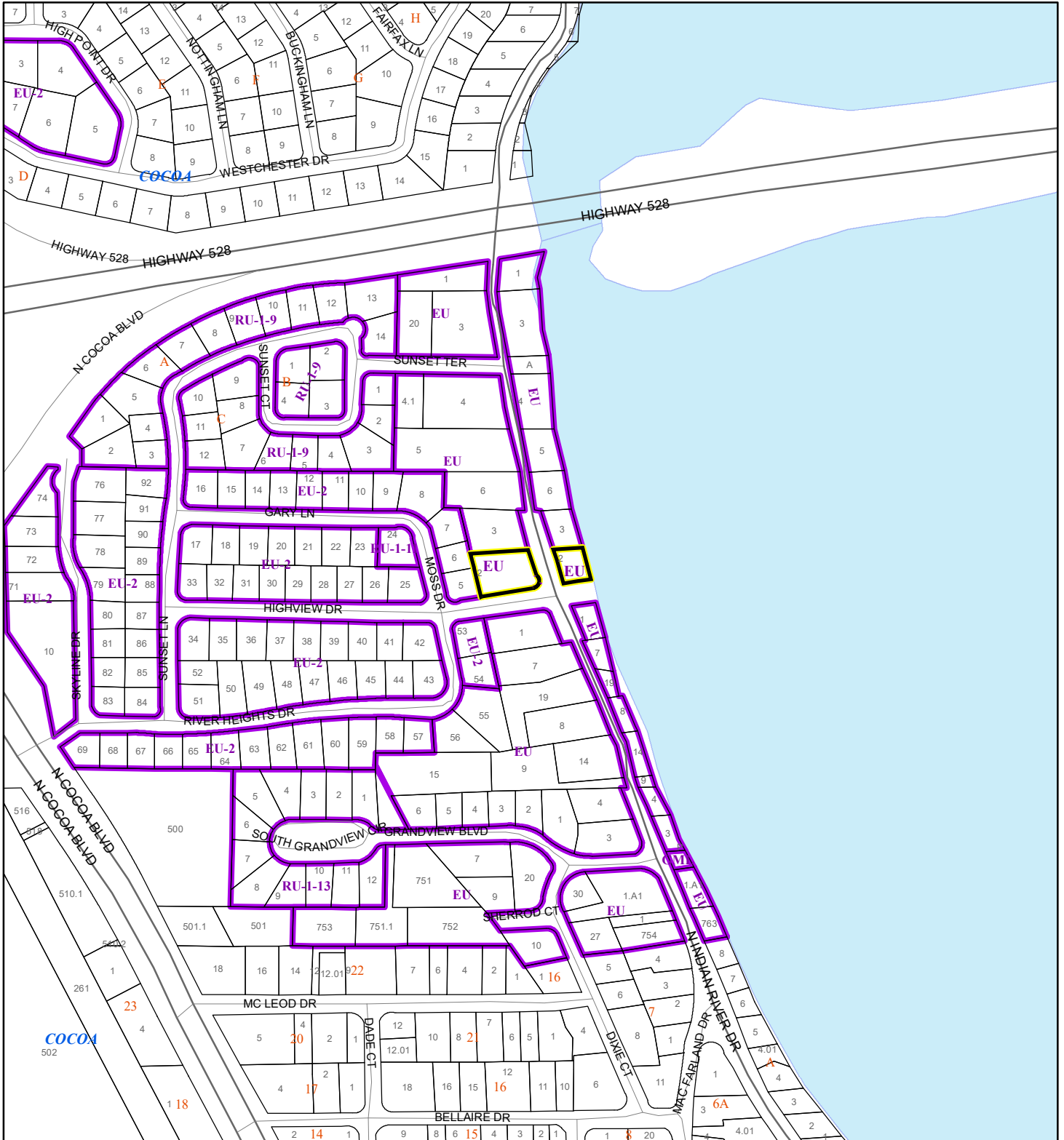
Produced by BoCC - GIS Date: 4/8/2024

-  Buffer
-  Subject Property

ZONING MAP

REBECCA CHRISTINE SCHENCK MANAGEMENT TRUST

24V00014



1:4,800 or 1 inch = 400 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: 4/8/2024

- Subject Property
- Parcels
- Zoning

AERIAL MAP

REBECCA CHRISTINE SCHENCK MANAGEMENT TRUST
24V00014




1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

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: 4/8/2024

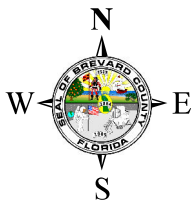
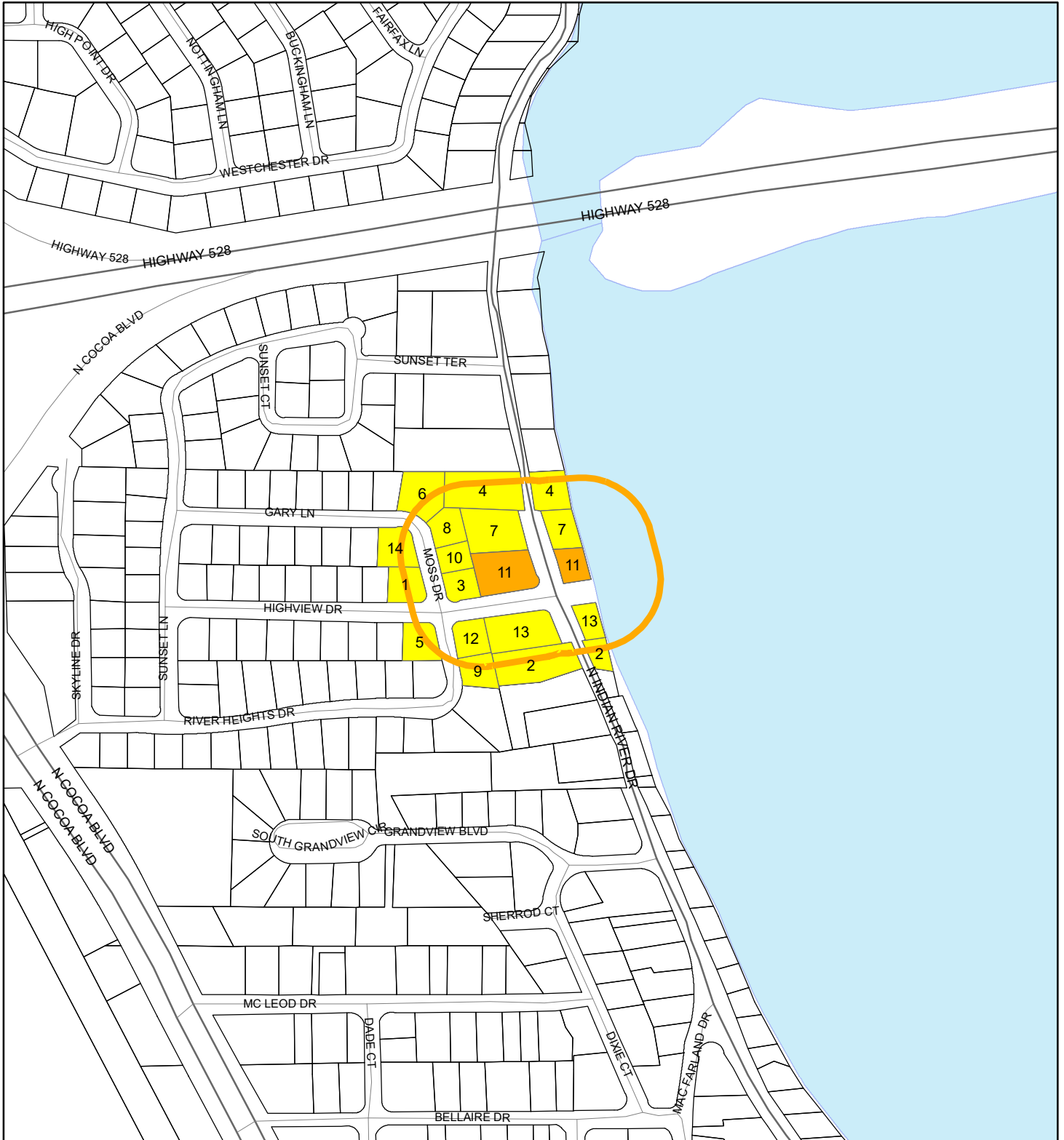
 Subject Property

 Parcels

RADIUS MAP

REBECCA CHRISTINE SCHENCK MANAGEMENT TRUST

24V00014







1:4,800 or 1 inch = 400 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: 4/8/2024

-  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 [X] No

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

Case Number: _____

Contractor: _____

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:

I am asking for one variances. One for the setback to encroach 10.9' into the setback. I have an existing terrace off the kitchen which I can only use half the day. In the morning it is too bright. There is also a history of Skin Cancer, Melanoma in my family, and I spend alot of time in this area of the house. I would like to put a roof over the terrace and 4 columns and remove the low wall while adding steps around the terrace. The Porch will be open without walls. It is a beautiful view of the river that can't be replicated on other sides of the house.



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

Applicant Response:

I had breast cancer 4 years ago, I'm on tamoxifen and I cannot be in the sun. the medicine makes me burn easily.

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:

Zoning single family, *NO special privilege requested. Request is^a health based necessity in order to enjoy the outdoors of my property.*

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:

I would like to have 100% use of my porch and provide shelter from rain. I cannot be in the sun. I use this area of the house mainly.

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

Applicant Response:

If the variance was granted it would allow me to enjoy the porch more. Add to the architecture of the house, and create a more aesthetically pleasing environment.

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.

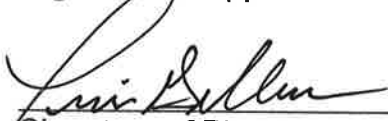
Applicant Response:

The general purpose is to improve the functions of the building and create an aesthetically pleasing addition to the structure, adding to the neighborhood.

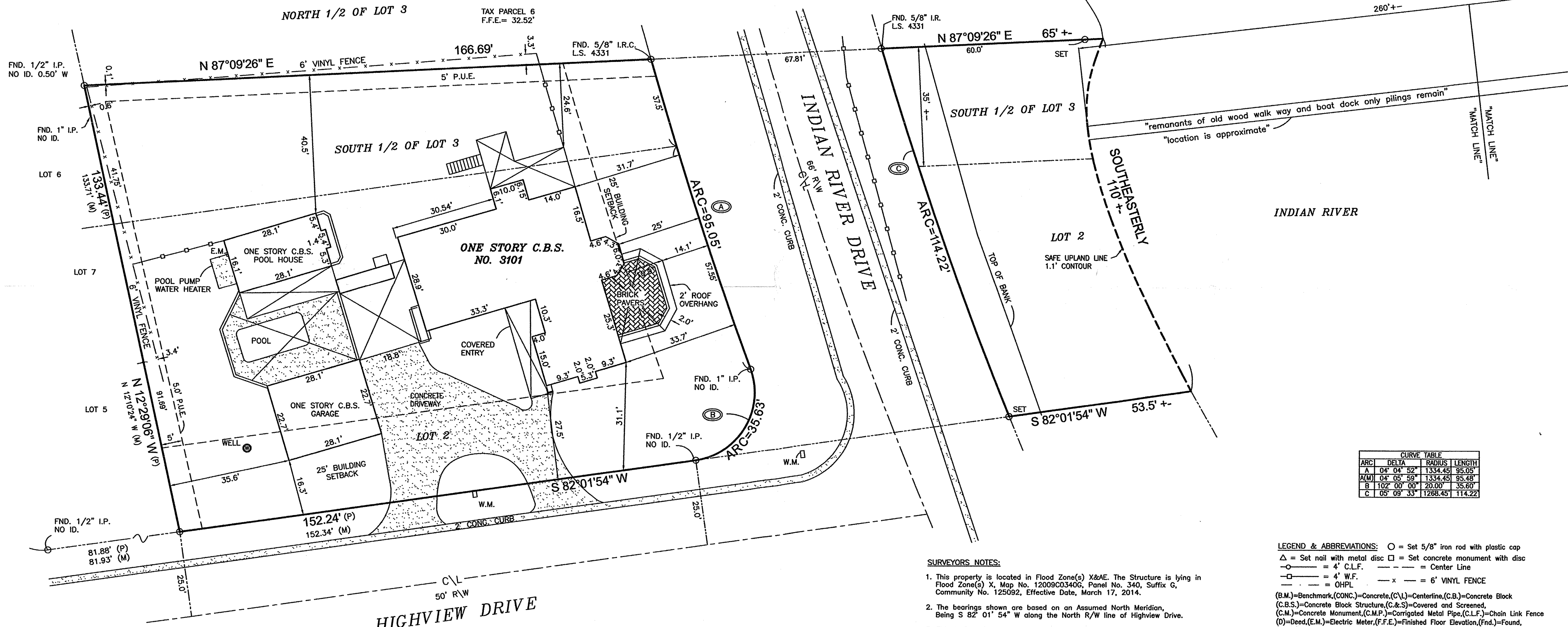
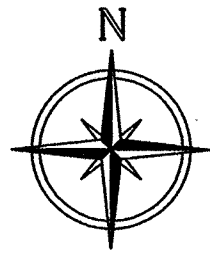
I fully understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by a Planning and Development representative. I am fully aware it is my responsibility to prove complete compliance with the aforementioned criteria.



Signature of Applicant



Signature of Planner



"remnants of old boat dock only pilings remain"
"location is approximate"

"remnants of old wood walk way and boat dock only pilings remain"
"location is approximate"

ARC	DELTA	RADIUS	LENGTH
A	04° 04' 52"	1334.45	95.05'
A(M)	04° 05' 59"	1334.45	95.48'
B	102° 00' 00"	20.00	35.60'
C	05° 09' 33"	1268.45	114.22'

SURVEYORS NOTES:

- This property is located in Flood Zone(s) X&AE. The Structure is lying in Flood Zone(s) X, Map No. 12009C0340G, Panel No. 340, Suffix G, Community No. 125092, Effective Date, March 17, 2014.
- The bearings shown are based on an Assumed North Meridian, Being S 82° 01' 54" W along the North R/W line of Highview Drive.
- This is Real Property being situated in Section 17, Township 24S, Range 36E.
- The Surveyor has not abstracted the property. Only platted or furnished easements or encumbrances that may restrict the property are shown.
- Underground improvements are not located unless requested.
- Elevations if shown hereon based on NAVD 88.

LEGEND & ABBREVIATIONS: ○ = Set 5/8" iron rod with plastic cap
 △ = Set nail with metal disc □ = Set concrete monument with disc
 —○— = 4' C.L.F. — — — = Center Line
 —□— = 4' W.F. — x — = 6' VINYL FENCE
 — — — = OHPL

(B.M.)=Benchmark,(CONC.)=Concrete,(C/L)=Centerline,(C.B.)=Concrete Block
 (C.B.S.)=Concrete Block Structure,(C.&S.)=Covered and Screened,
 (C.M.)=Concrete Monument,(C.M.P.)=Corrugated Metal Pipe,(C.L.F.)=Chain Link Fence
 (D)=Deed,(E.M.)=Electric Meter,(F.F.E.)=Finished Floor Elevation,(Fnd.)=Found,
 (F.P.R.)=Fixed Point of Reference,(I.R.C.)=Iron Rod with Cap,(I.P.)=Iron Pipe
 (G.M.)=Gas Meter,(L.B.)=Licensed Business,(L.S.)=Licensed Surveyor,(M)=Measured
 (M.E.S.)=Mitered End Section,(N&D)=Nail & Disc,(O.R.B.)=Official Records Book,
 (OHPL)=Over Head Power Line,(P.C.P.)=Permanent Control Point,(P)=Pit
 (P.O.B.)=Point of Beginning,(P.O.C.)=Point of Commencement
 (P.R.M.)=Permanent Reference Monument,(P.U. & D.E.)=Public Utility & Drainage Easement,
 (RNG.)=Range,(R.C.P.)=Reinforced Conc. Pipe,(R/W)=Right of Way,(SEC.)=Section
 (TWP.)=Township,(WUP)=Wood Utility Pole,(W.F.S.)=Wood Frame Structure,(W.M.)=Water Meter

DESCRIPTION:
LOT 2 AND SOUTH 1/2 OF LOT 3
RIVER HEIGHTS
 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 12, PAGE 16
 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

JOB NO.
20-362-09

DRAWN	TN
CHECKED	EN
DATE	09-15-2020
SCALE	1" = 20'
SHEET NO.	1 OF 1

REVISIONS	
DATE	DESCRIPTION
04-01-24	SITE PLAN FOR PORCH ADDITION

MAP OF BOUNDARY SURVEY

PREPARED FOR: VIRGIL L. SCHENCK JR.

SITE ADDRESS:
3101 N INDIAN RIVER DRIVE COCOA, FL 32922

PREPARED BY:
Eric Nielsen Land Surveying, Inc.
 L.B. 6946

12 STONE STREET, COCOA, FL. 32922
 PHONE: (321) 631-5654
 email: nielsensurveying@bellsouth.net

Certified By: Signature Date: 04-02-24
 I, Eric Nielsen Professional Surveyor & Mapper, No. 5386, L.B. 6946, State of Florida
 certify this map of survey meets the standards set per Florida Administrative Code
 5J-17.051 pursuant to Chapter 472.027 per Florida Statutes.



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.6.

5/15/2024

Subject:

David & Robin Young request a variance for a boat dock, together with pilings, and moored watercraft into a manmade waterway in an EU (Estate Use) zoning classification. (24V00016) (Tax Account 2507670) (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 boat dock, together with pilings, and moored watercraft into a manmade waterway in an EU (Estate Use) zoning classification.

Summary Explanation and Background:

David & Robin Young request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-2118(d)(3), to permit a variance of 34 ft. over the 30-ft. maximum projection allotted for a boat dock, together with pilings, and moored watercraft into a manmade waterway in an EU (Estate Use) zoning classification. The property is 1 acre, located on the west side of S. Tropical Trail, approx. 141 ft. south of Greenview Rd. (1845 S. Tropical Trail, Merritt Island)

Clerk to the Board Instructions:

None



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

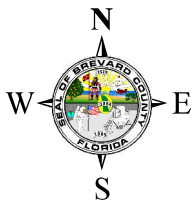
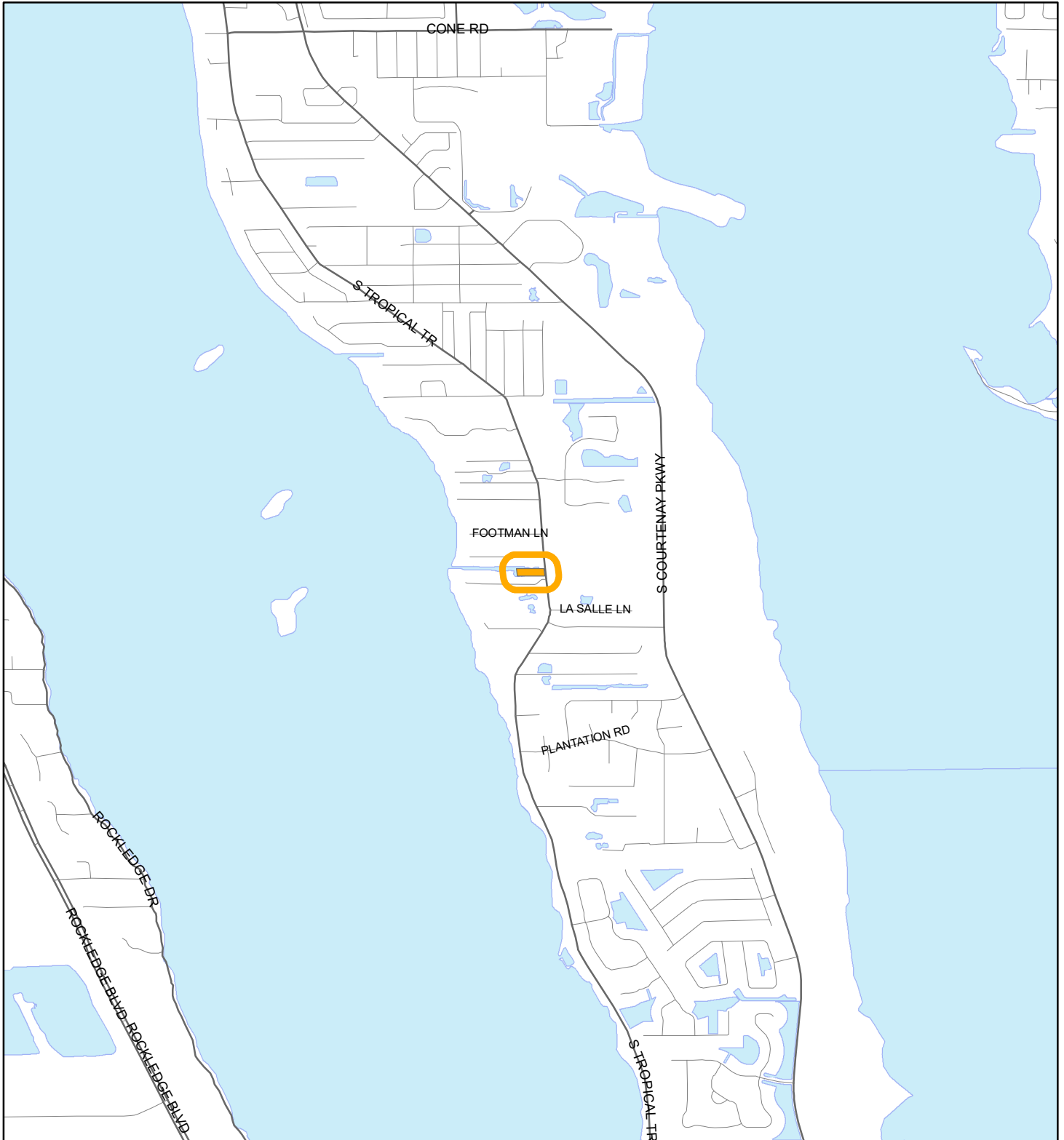
TO: Board of Adjustment Members
FROM: Paul Body, Senior Planner
Thru: Jeffrey Ball, AICP, Planning & Zoning Manager
SUBJECT: Variance Staff Comments for Wednesday, May 15, 2024
DATE: April 25, 2024

DISTRICT 2

6. (24V00016) David & Robin Young request a variance of Chapter 62, Article VI, Brevard County Code, Section 62-2118(d)(3), to permit a variance of 34 ft. over the 30-ft. maximum projection allotted for a boat dock, together with pilings, and moored watercraft into a manmade waterway. This request represents the applicants' request to build a boat dock with a boat lift. The applicants state that their property extends into the man-made waterway approximately 390 feet and the proposed dock will be constructed solely in their property's boundary. Per zoning code Section 62-2118(d)(3); provide a certified survey to verify projection distance requirement into the waterway. At the direction of the applicant, staff has processed this variance request. This request equates to a 113% deviation of what the code allows. There is one variance to the dock projection requirement in the immediate area. There is no code enforcement action pending with the Brevard County Planning and Development Department. If the Board approves this variance, it may want to limit its approval as depicted on the survey provided by the applicant with a revision date of 04/12/2024.

LOCATION MAP

Young, David & Robin
24V00016





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

Buffer Distance: 200 feet

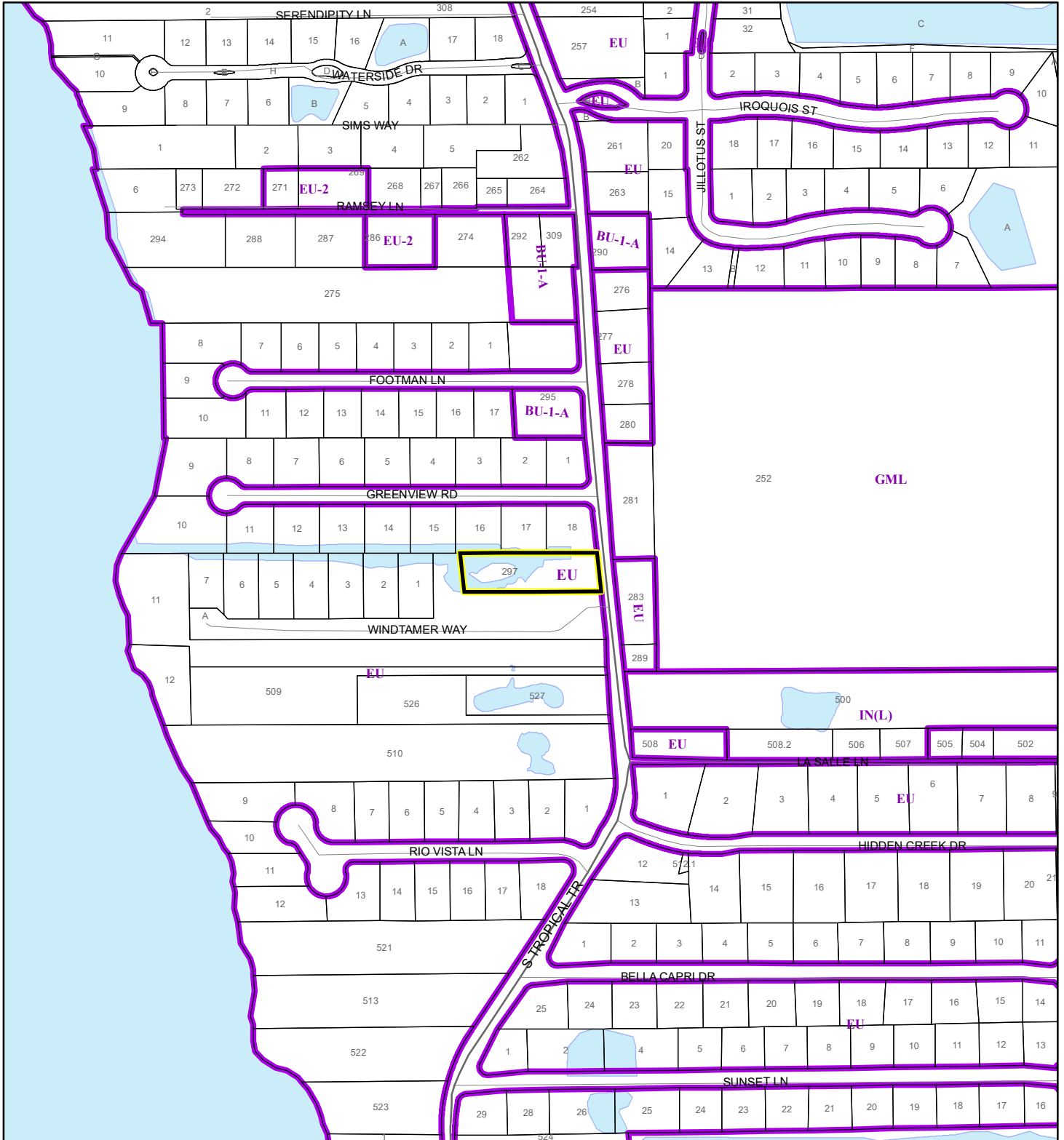
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/16/2024

-  Buffer
-  Subject Property

ZONING MAP

Young, David & Robin
24V00016



1:4,800 or 1 inch = 400 feet

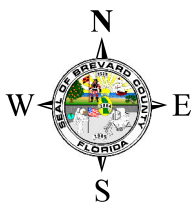
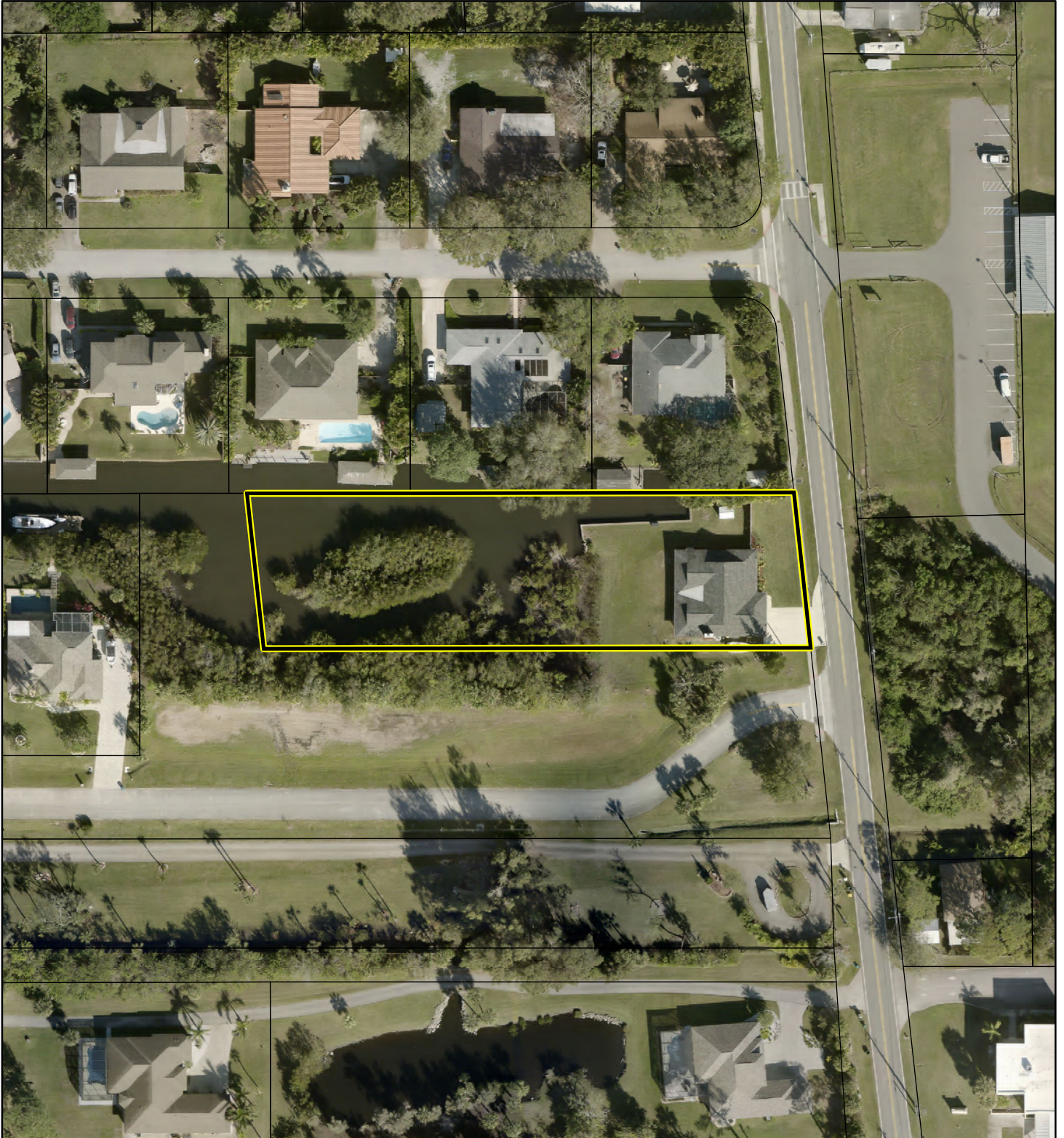
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/16/2024

- Subject Property
- Parcels
- Zoning

AERIAL MAP

Young, David & Robin
24V00016





1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

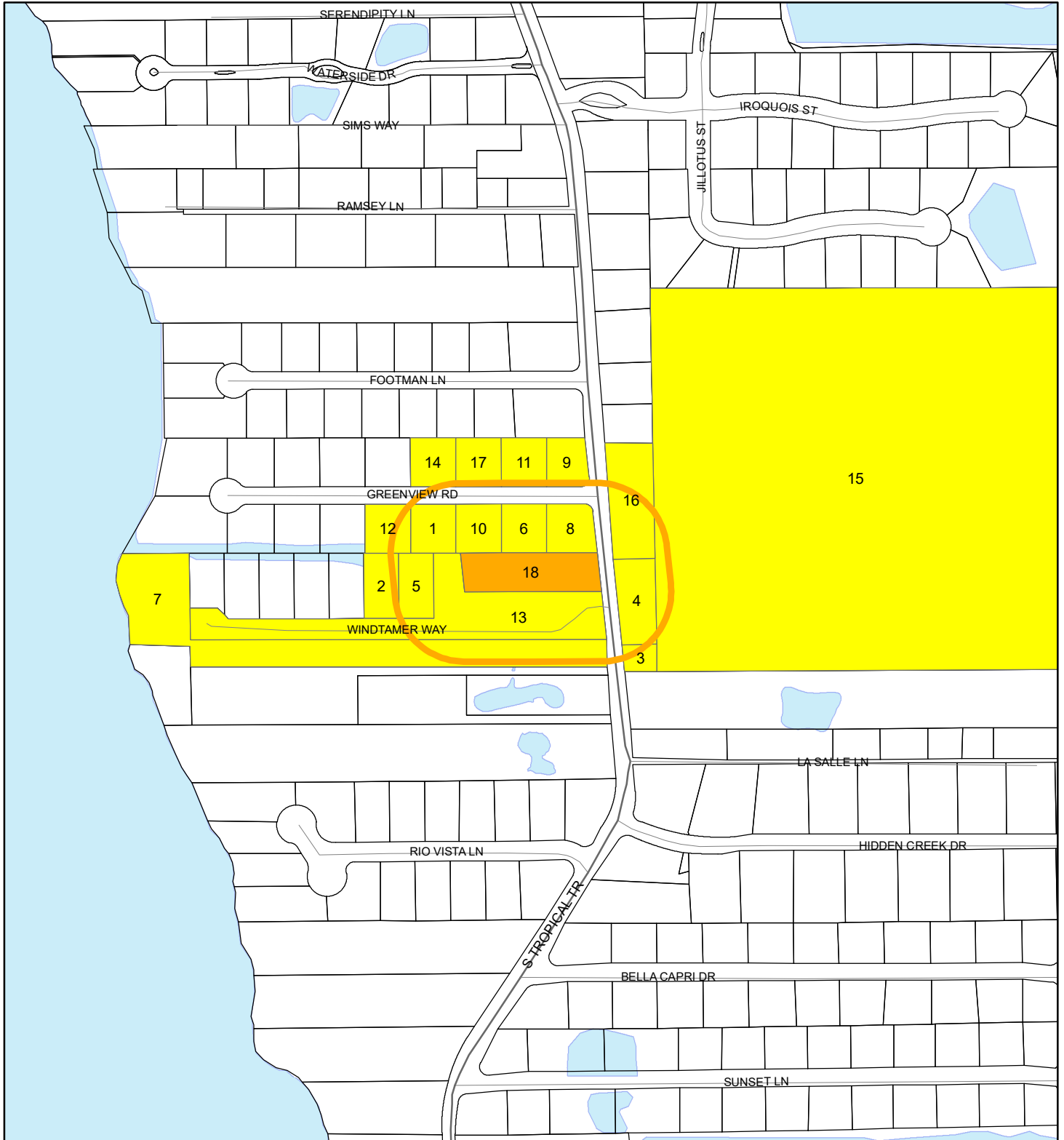
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 4/16/2024

-  Subject Property
-  Parcels

RADIUS MAP

Young, David & Robin
24V00016







1:4,800 or 1 inch = 400 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: 4/16/2024

-  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: _____

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 subject property at 1845 S. Tropical Trail, Merritt Island, FL abuts to the man-made 154' wide canal on the North and South side of the property. However, the boundary line for the subject property extends approximately 391.55' to the West, which is where the applicant is proposing to construct his 344 square foot (total) dock and boat lift. The applicant has designed the dock to be constructed solely inside of his boundary line and to the South of the navigable portion of the man-made canal; as to NOT create any type of navigational obstruction to the surrounding homeowners. In doing so, the proposed dock and boat lift would NOT extend at all into the navigable portion of the man made canal, and would still be offset approximately 179.5' from the boundary line of the nearest parcel to the West.

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

Applicant Response:

The existing residential seawall and canal conditions have not been a result of the applicant. The property line and man-made/dredged canal has been in its current state when the applicant purchased the property.

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:

Granting this variance will bring the dock projection solely on the applicant's private property. The dock will not project at all into the navigable portion of the man-made/dredged canal to avoid any navigational obstructions for the surrounding homeowners. Moreover, there are currently numerous docks, boat houses and boat lifts along the man-made canal which are owned by the surrounding homeowners; which do in fact project into the navigable portion of the man-made canal on the same waterway. No special privileges will be conferred.

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:

Literal enforcement would deprive the applicant of the size and style of dock commonly enjoyed by other properties in identical zoning classifications and on the same canal.

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

Applicant Response:

A 22ft variance is the minimum required to have a dock of reasonable size and function. Additionally, the subject dock will be constructed entirely on the applicants private property and will not project into the navigable portion of the existing man-made canal.

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:

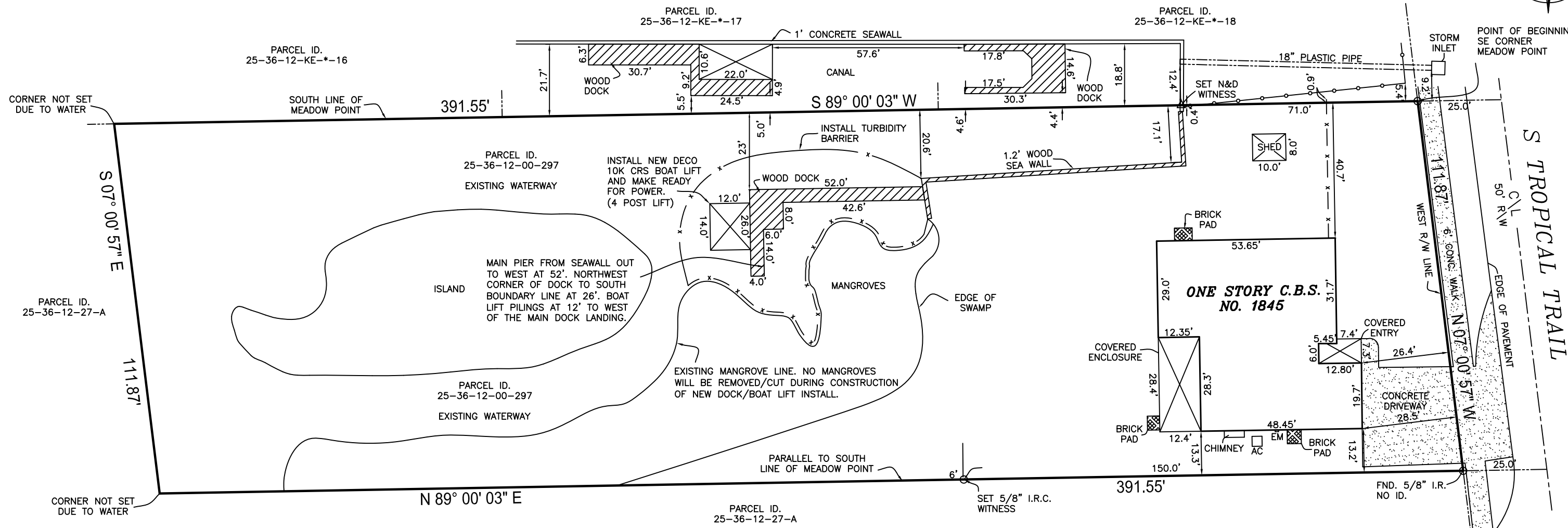
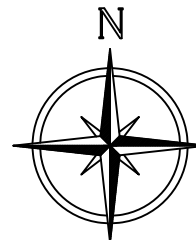
Yes granting this variance is in harmony with the intent and purpose of the projection regulations. Boat traffic will not be impeded in anyway. With a 22ft variance, there will be approximatively 40ft of open waterway for boats to pass; which is considered the naviable portion of the man-made canal.

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

MAP OF BOUNDARY SURVEY



- SURVEYORS NOTES:**
1. This property is located in Flood Zone(s) AE, The Residence is lying in Flood Zone(s) X, Map No. 12009C0429H, Panel No. 429, Suffix H, Community No. 125092, Effective Date, January 29, 2021.
 2. The bearings shown are based on an Assumed North Meridian, Being S 07° 00' 57" E along the West R/W line of S. Tropical Trail.
 3. This is Real Property being situated in Section 12, Township 25S, Range 36E.
 4. The Surveyor has not abstracted the property. Only platted or furnished easements or encumbrances that may restrict the property are shown.
 5. Underground improvements are not located unless requested.
 6. Elevations shown hereon based on Assumed Datum, originating Benchmark is

LEGEND & ABBREVIATIONS: ○ = Set 5/8" iron rod with plastic cap
 △ = Set nail with metal disc □ = Set concrete monument with disc
 —○— = 4' C.L.F. - - - - - = Center Line
 —○— = 6' W.F. - - - - - = 6' VINYL FENCE
 - - - - - = OHPL

(B.M.)=Benchmark,(CONC.)=Concrete,(C\L)=Centerline,(C.B.S.)=Concrete Block Structure
 (C.B.S.)=Concrete Block Structure,(C.&S)=Covered and Screened,
 (C.M.)=Concrete Monument,(C.M.P.)=Corrugated Metal Pipe,(C.L.F.)=Chain Link Fence
 (D)=Deed,(E.M.)=Electric Meter,(F.F.E.)=Finished Floor Elevation,(Fnd.)=Found,
 (F.P.R.)=Fixed Point of Reference, (IRC)=Iron Rod with Cap,(I.P.)=Iron Pipe
 (G.M.)=Gas Meter,(L.B.)=Licensed Business,(L.S.)=Licensed Surveyor,(M)=Measured
 (M.E.S.)=Mitered End Section,(N&D)=Nail & Disc,(O.R.B.)=Official Records Book,
 (OHPL)=Over Head Power Line,(P.C.P.)=Permanent Control Point, (P)=Plat
 (P.O.B.)=Point of Beginning,(P.O.C.)=Point of Commencement
 (P.R.M.)=Permanant Reference Monument,(P.U.& D.E.)=Public Utility & Drainage Easement,
 (RNG.)=Range,(R.C.P.)=Reinforced Conc. Pipe,(R\W)=Right of Way,(SEC.)=Section
 (TWP.)=Township,(WUP)=Wood Utility Pole,(W.F.S.)=Wood Frame Structure,(W.M.)=Water Meter

CERTIFIED TO: DAVID L. YOUNG AND ROBIN L. YOUNG	
Certified By:	Signature Date:
I Eric Nielsen Professional Surveyor & Mapper, No. 5386, L.B. 6946, State of Florida certify this map of survey meets the standards set per Florida Administrative Code 5J-17.051 pursuant to Chapter 472.027 per Florida Statutes.	
Eric Nielsen Land Surveying, Inc.	
Revisions:	12 STONE STREET, COCOA, FL. 32922
ADJACENT DOCKS LOCATED 8-15-2022	Ph: (321) 631-5654
RECERTIFICATION 12-11-2023	email: nielsensurveying@bellsouth.net
SITE PLAN FOR DOCK AND BOAT LIFT	SCALE: DATE: JOB NO.
04-12-2024	1" = 30' 6-16-2022 22-259-06

DESCRIPTION:
 A parcel of land lying in Section 12, Township 25 South, Range 36 East, Brevard County, Florida, being more particularly described as follows: Begin at the Southeast corner of MEADOW POINT, as recorded in Plat Book 24, Page 13, of the Public Records of Brevard County, Florida and run South 89 degrees 00'03" West, along the South line of said subdivision, a distance of 391.55 feet; thence South 07 degrees 00'57" East, parallel to South Tropical Trail, a distance of 111.87 feet; thence North 89 degrees 00'03" East, parallel to said South line, a distance of 391.55 feet to a point on the West Right of Way line of said South Tropical Trail (a 50 foot Right of Way); thence North 07 degrees 00'57" West, along said Right of Way line, a distance of 111.87 feet to the Point of Beginning.

