



## Board of Adjustment

Brevard County Government Center

2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida

Agenda

Wednesday, January 19, 2022

**Call To Order - 1:30 p.m.**

**Approval of Minutes - December 15, 2021**

### **H. Public Hearings**

- H.1.** Carol A. Hall Life Estate (Thomas H. Yardley) requests variances from Chapter 62, Article VI, Brevard County Code, as follows: 1) Section 62-1401(5)(b), to permit a variance to allow an accessory structure to be located forward of the front building line of the principal structure; 2) Section 62-1401(5)(b) to permit a variance to allow an accessory structure to be located forward of the front building line of the principle structure; 3) Section 62-1401(5)(b) to permit a variance to allow an accessory structure to be located forward of the front building line of the principal structure; 4) Section 62-1401(5)(b) to permit a variance to allow an accessory structure to be located forward of the front building line of the principal structure; 5) Section 62-2100.5(1)(d) to permit a variance of 492 sq. ft. over the 600 sq. ft. allowed for an accessory structure; 6) Section 62-2100.5(1)(d) to permit a variance of 13 sq. ft. over the 600 sq. ft. allowed for an accessory structure; 7) Section 62-2100.5(1)(b) to permit a variance of 1,498 sq. ft. over the total floor area of the principal structure allowed for all detached structures, in an RRMH-1 (Rural Residential Mobile Home) zoning classification. The property is 1.94 acres, located on the north side of Brockett Road, approximately 1,706 feet west of Hammock Road (2810 Brockett Road, Mims) (21PZ00079) Tax Account 2110383) (District 1)
- H.2.** Lance C. Boncek requests a variance from Chapter 62, Article VI, Brevard County Code, Section 62-1334(4) to permit a variance of 1.42 acres from the required 2.5-acre minimum lot size in the AU(L) (Agricultural Residential) zoning classification, currently in a GU (General Use) zoning classification. The property is 1.08 acres, located on the south side of Angelica Street approximately 700 feet east of Alan Shepard Avenue (3375 Angelica Street, Cocoa) (Tax Account 2403955) (District 1)

- H.3.** Jeannette L. Knight requests variances from Chapter 62, Article VI, Brevard County Code, as follows: 1) Section 62-1341(5)(a), to permit a variance of 13 ft. from the required 20-ft. rear setback for a principal structure; 2) Section 62-1341(5)(a), to permit a variance of 2.1 ft. from the required 7.5-ft. side setback for a principal structure; 3.) Section 62-1341(5)(b) to permit a variance of 7.0 feet from the required 7.5-foot side setback for an accessory structure, in a RU-1-9 (Single-Family Residential) zoning classification. The property is 0.17 acres, located on the south side of Needle Boulevard, approximately 453 feet east of Fourth Place (315 Needle Boulevard, Merritt Island) (21PZ00088) (Tax Account 241913) (District 2)
- H.4.** Kenneth Kurt & Tina C. Krokenberger request a variance from Chapter 62, Article VI, Brevard County Code, Section 62-1339(5)(b) to permit a variance of 5.6 ft. from the required 10-ft. side (north) setback for an accessory structure, in an EU-2 (Estate Use Residential) zoning classification. The property is 0.46 acres, located on the northeast corner of the cul-de-sac of Brahman Avenue, approximately 738 feet north of Tuckaway Drive (3401 Brahman Avenue, Rockledge) (21PZ00093) (Tax Account 2522033) (District 2)
- H.5.** Brad A. Lange requests a variance from Chapter 62, Article VI, Brevard County Code, Section 62-1371(4)(b) to permit a variance of 25 ft. from the required 75-ft. lot width in BU-1 (General Retail Commercial) & RU-2-30 (High Density Multiple Family Residential) zoning classifications. The property is 2 acres, located on the east side of North Courtenay Parkway, approximately 1,085 feet south of Chase Hammock Road(4910, 4920, 4930 and 4940 North Courtenay Parkway, Merritt Island) (21PZ00094) (Tax Account 2318704) (District 2)

## Public Comment

Adjournment

Pursuant to the Florida Rules of Appellate Procedure, any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may, within thirty (30) days after the date the order is signed, apply to a court of competent jurisdiction for appropriate relief. Speakers must provide their names and addresses for the public record.

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

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H.1.

1/19/2022

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### **Subject:**

Carol A. Hall Life Estate (Thomas H. Yardley) requests variances from Chapter 62, Article VI, Brevard County Code, as follows: 1) Section 62-1401(5)(b), to permit a variance to allow an accessory structure to be located forward of the front building line of the principal structure; 2) Section 62-1401(5)(b) to permit a variance to allow an accessory structure to be located forward of the front building line of the principle structure; 3) Section 62-1401(5)(b) to permit a variance to allow an accessory structure to be located forward of the front building line of the principal structure; 4) Section 62-1401(5)(b) to permit a variance to allow an accessory structure to be located forward of the front building line of the principal structure; 5) Section 62-2100.5(1)(d) to permit a variance of 492 sq. ft. over the 600 sq. ft. allowed for an accessory structure; 6) Section 62-2100.5(1)(d) to permit a variance of 13 sq. ft. over the 600 sq. ft. allowed for an accessory structure; 7) Section 62-2100.5(1)(b) to permit a variance of 1,498 sq. ft. over the total floor area of the principal structure allowed for all detached structures, in an RRMH-1 (Rural Residential Mobile Home) zoning classification. The property is 1.94 acres, located on the north side of Brockett Road, approximately 1,706 feet west of Hammock Road (2810 Brockett Road, Mims) (21PZ00079) Tax Account 2110383) (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 variances requested by Carol A. Hall, Life Estate.

### **Summary Explanation and Background:**

See staff comments.

### **Clerk to the Board Instructions:**



BOARD OF COUNTY COMMISSIONERS

## Inter-Office Memo

TO: Board of Adjustment Members  
FROM: Jeffrey Ball, AICP, Planning and Zoning Manager  
SUBJECT: Variance Staff Comments for Wednesday, January 19, 2022  
DATE: January 3, 2022

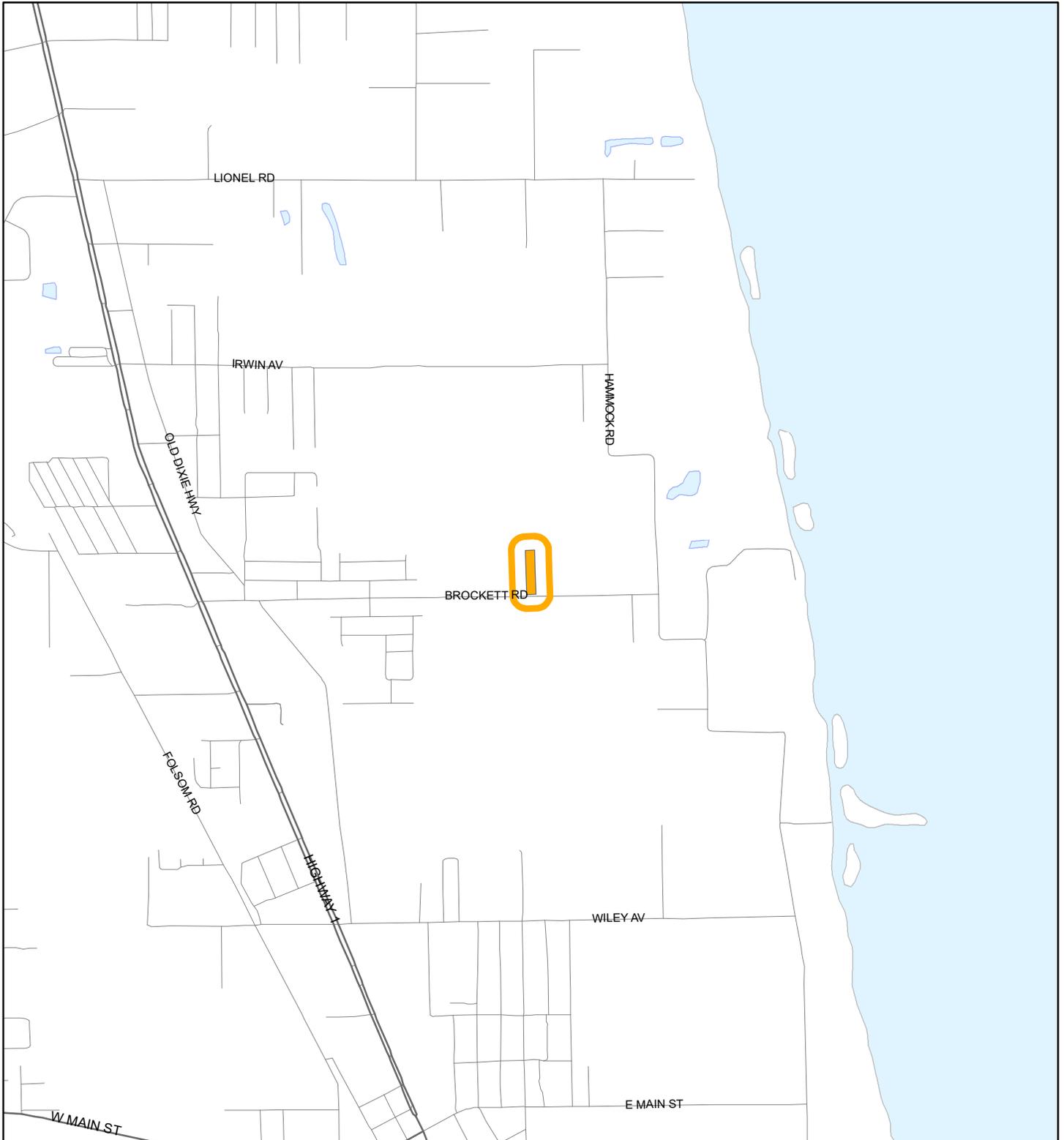
**The following item was tabled from the December 15, 2021, BOA meeting.**

**1. (21PZ00079) (District 1) Carol A. Hall Life Estate (Thomas H. Yardley)** requests variances from Chapter 62, Article VI, Brevard County Code, 1-4) Section 62-1401(5)(b) to permit 4 variances to allow 4 accessory structures to be located forward of the principle structure; 5) 62-2100.5(1)(d) to permit a variance of 492.0 square feet over the 600.0 square feet allowed for an accessory structure; 6) 62-2100.5(1)(d) to permit a variance of 13.0 square feet over the 600.0 square feet allowed for an accessory structure; 7) 62-2100.5(1)(b) to permit a variance of 1,498.0 square feet over the total floor area of the principle structure allowed for all detached structures, in an RRMH-1 (Rural Residential Mobile Home) zoning classification.

This request represents the applicants' request to legitimize five existing accessory structures to replace an existing 1,680 sq. ft. mobile home with a 1,092 sq. ft. mobile home (21BC01224). The applicant states that these accessory structures were built by her husband and have been in their existing location for over ten years. There has been one variance to permit an accessory structure to be located in front of the principal structure in the immediate area. There are no variances approved to the size limit for an accessory structure in the immediate area. The fifth request equates to a 55% deviation of what the code allows. The sixth request equates to a 2% deviation of what the code allows. The seventh request equates to a 59% deviation of what the code allows. There is no code enforcement action pending with the Brevard County Planning & Development Department. If the Board approves this variance, it may want to limit its approval to the location depicted on the survey provided by the applicant.

# LOCATION MAP

CAROL A. HALL LIFE ESTATE  
21PZ00079



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

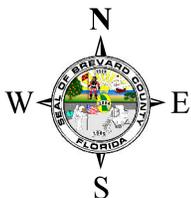
Buffer Distance: 200 feet

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: 11/22/2021

-  Buffer
-  Subject Property

AERIAL MAP  
CAROL A. HALL LIFE ESTATE  
21PZ00079



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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: 11/22/2021

 Subject 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:

\_\_\_\_\_  
*see attached*  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
*see attached*  
\_\_\_\_\_  
\_\_\_\_\_

(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*  
\_\_\_\_\_  
\_\_\_\_\_

(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

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

see attached

(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

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

TH Yurd

Signature of planner

Paul Boddy

## VARIANCE HARDSHIP WORKSHEET

This applicant is a long-time resident of Brevard County. Mrs. Hall and her husband lived, and worked, in Palm Bay, until they retired in 1990. They sold their home and bought a lot and trailer in Mims.

Over the years, Mr. Hall applied for permits and build structures on the land they owned. He build a pair of outbuilding; one a storage shed for the families' stuff, the other, storage for the riding mower, and lawn equipment. He built a pump house to cover the irrigation equipment, and he poured a parking pad for the travel trailer they once owned. There are five structures, all of which were properly permitted by Brevard County.

Mr. Hall died, and the applicant is his widow. She was notified by her insurance company, Citizens, Florida's insurer of last resort, that her home was too old to be covered by insurance. Then, in September of 2017 her home was hit by Hurricane Irma.

She patched her roof and was casting about for a solution. She has no income aside from her social security. Florida has a program to assist those who lose housing in a storm, the Hurricane Housing Recovery Program. Ms. Hall met all the requirements and her situation was approved. This program will provide her with a brand new home. Reconstruction has been authorized and fully funded. It is a simple task to remove the old home and drop the replacement home on the existing foundation.

There is a hardship in that since the structures were built, the Code has been changed. Had the applicant repaired the roof, she would not have been required to remove the structures. But, the program will not repair the roof. In fact, under the terms of the program, Mrs. Hall is explicitly forbidden from repairing the roof. But, because she is getting a brand new home, the Code requires the structures to be removed.

Mrs. Hall does not have the funds to demolish the structures. The program which is funding the new home will not pay for demolition. They are all in fine shape, strong enough to survive a hurricane. One shed is a garage filled with lawn equipment, her mower, and other gear. The other is storage. There is no funding for the demolition of structurally sound buildings not relating to housing. If she repaired her hurricane-damaged, thirty-year old trailer, she would be able to keep

her structures. But, if she gets a brand-new trailer, on the exact same pad, her structures have to go? This is a hardship.

She is asking for a variance to permit the five accessory structures, all of which were build pursuant to a county issued permit, to remain.

(1) *That special conditions and circumstances exist which are not applicable to other lands,*

*structures or buildings in the applicable zoning classification:* After the applicant bought her land, her husband built five structures on our lot. Each time he wanted a structure, he went to the County and applied for and was granted, a permit. At the time the structures were built, they were lawful, but the County Code was changed to make the structures an improper use.

(2) *That the special conditions and circumstances do not result from the actions of the applicant:* When the applicant built the structures they were lawful, since that time the County Code changed.

(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:* The structures were all built long ago, pursuant to issued permits. All the applicant is seeking is to permit the structures to remain on her land.

(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:* This home is over thirty years old. The applicant has been approved for a new home. If she had fixed the hole in the roof of her thirty year old home, she could keep her structures. Getting a new home should not require her to destroy the structures her husband built so long ago.

(5) *That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure:* Should the applicant be allowed to keep the structures her husband built, according to a permit, she can get a brand new home dropped on the pad currently occupied by the building destroyed by the hurricane. Granting this variance will let the applicant live on her land in a safe dwelling.

(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:* Many of the homes in the applicant's neighborhood have structures like hers. She has always kept my home clean and neat; these structures will help with her home's appearance. Her house is a residential home in a residential neighborhood. The pumphouse covers the irrigation pump which would be unsightly without a structure covering it. The two sheds are storage for law equipment which would otherwise be left out in the view of the neighbors. The motor home pad is not visible.

- 1 Accessory Structure in Front of Principal structure
- 2 "
- 3 "
- 4 "
- 5 492 # over the 600 # permitted for an Access. Building
- 6 13 # "
- 7 1498 #, over the Total # of the principal structure

1092  
80  
612.36  
337.48  
402  

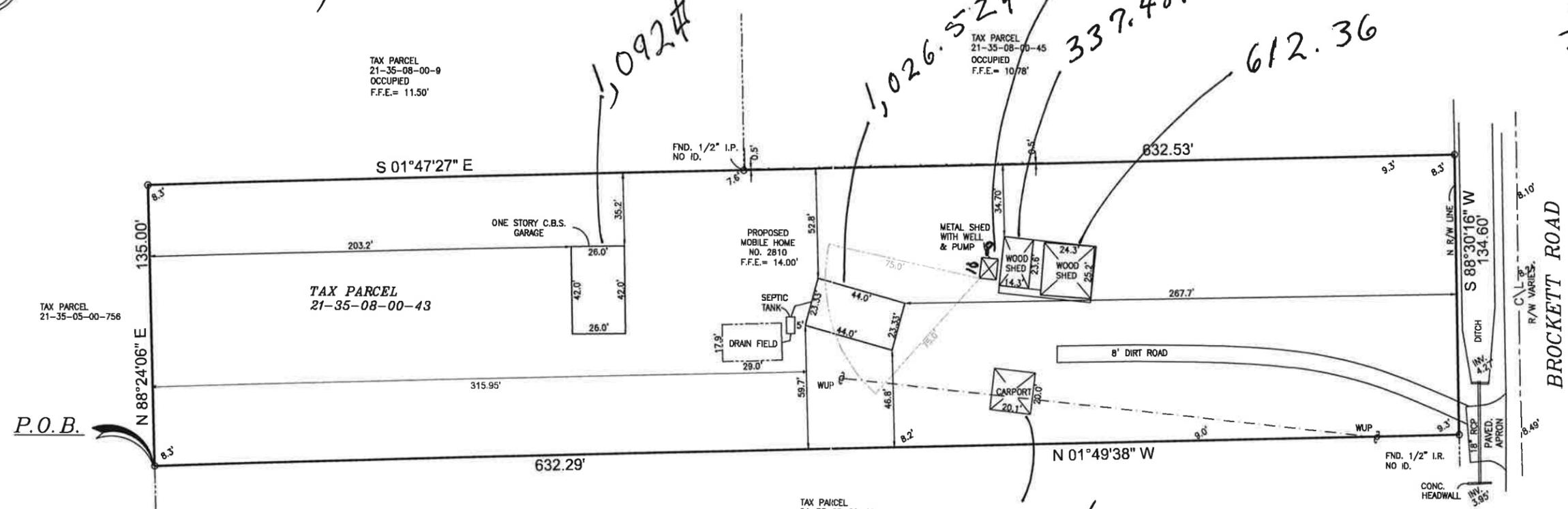
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2,523.84 Total

2823.84  
-1,026.52  

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1,497.32 #



**P.O.C.**  
NW 1/4 NW 1/4 OF  
NE 1/4 OF,  
SEC. B, TWP. 21S, RNG. 35E

**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  
 — — — = DHPL  
 (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,  
 (DHPL)=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

**SURVEYORS NOTES:**  
 1. This property is located in Flood Zone(s) X. The Structure is lying in Flood Zone(s) X, Map No. 12009C0105H, Panel No. 1055, Suffix H, Community No. 125092, Effective Date, March 17, 2014.  
 2. The bearings shown are based on an Assumed North Meridian, Being 5 88° 30' 16" W along the North R/W line of Brockett Road.  
 3. This is Real Property being situated in Section 8, Township 21S, Range 35E.  
 4. The Surveyor has not abstracted the property. Only platted or furnished easements or encumbrances that may affect the property are shown.  
 5. Underground improvements are not located unless requested.  
 6. Elevations if shown hereon based on NAVD 88. Originating Benchmark is

**DESCRIPTION:**  
 A PORTION OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 21, SOUTH RANGE 35 EAST, BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 8; THENCE RUN NORTH 88 DEGREES 24' 08" EAST ALONG THE NORTH LINE OF SAID SECTION 8, A DISTANCE OF 135.00 FEET TO THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE RUN NORTH 88 DEGREES 24' 08" EAST ALONG SAID NORTH LINE OF SECTION 8, A DISTANCE OF 135.00 FEET; THENCE RUN SOUTH 1 DEGREE 47' 27" EAST A DISTANCE OF 632.53 FEET TO THE NORTH RIGHT-OF-WAY LINE OF BROCKETT ROAD; THENCE RUN SOUTH 88 DEGREES 30' 16" WEST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 134.60 FEET; THENCE RUN NORTH 1 DEGREE 49' 38" WEST A DISTANCE OF 632.29 FEET TO THE POINT OF BEGINNING.



JOB NO. 21-187-04

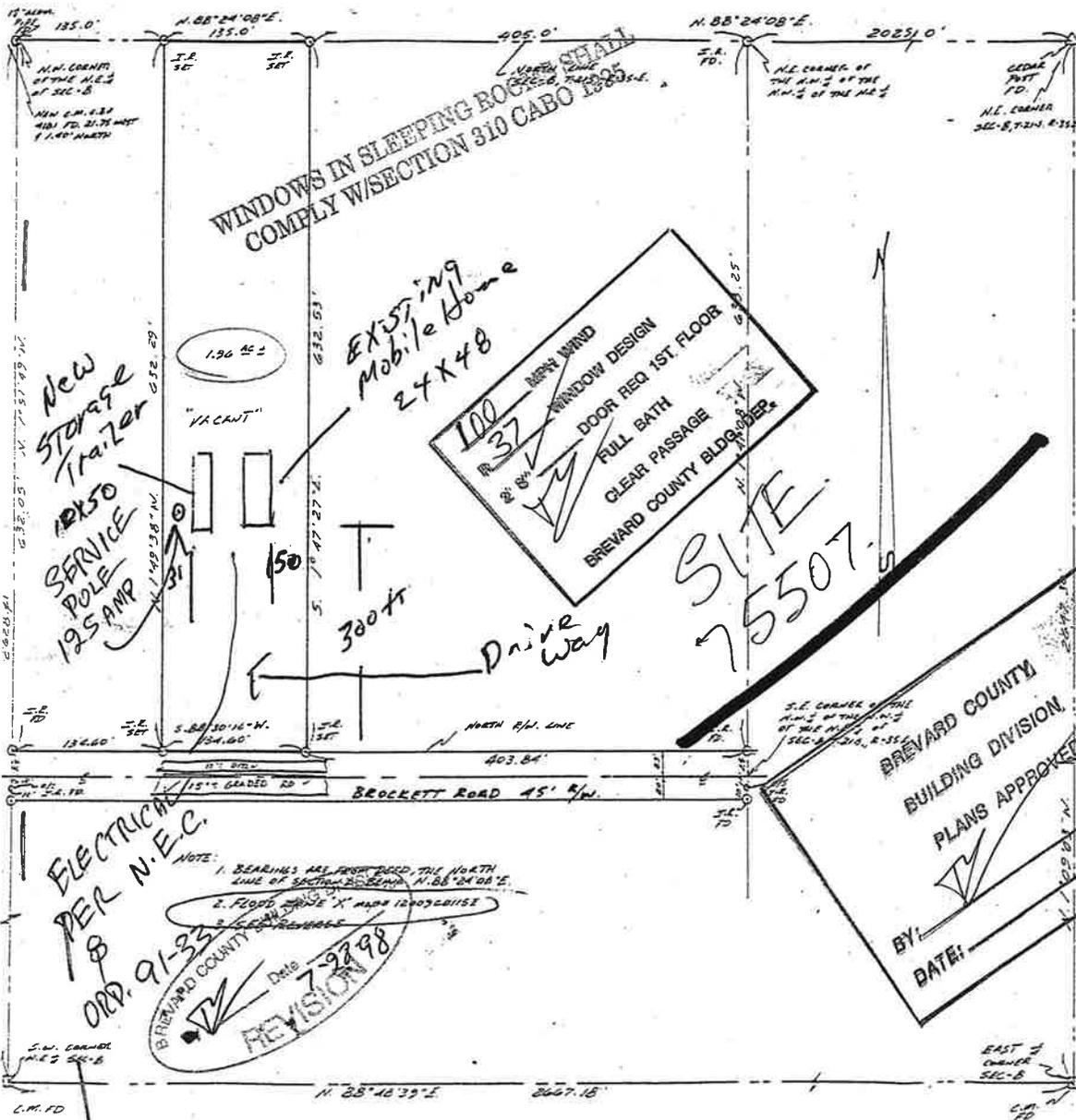
DRAWN	TN
CHECKED	EN
DATE	04-12-2021
SCALE	1" = 40'
SHEET NO.	1 OF 1

REVISIONS	
DATE	DESCRIPTION

**MAP OF BOUNDARY SURVEY**  
 PREPARED FOR: PAUL D. HALL AND CAROL A. HALL  
 SITE ADDRESS: 2810 BROCKETT ROAD MIMS, FL. 32754

PREPARED BY:  
 Eric Nielsen Land Surveying, Inc.  
 L.S. 6996  
 12 STONE STREET, COCOA, FL. 32922  
 PHONE: (321) 631-5654  
 email: nielsen@surveying.com

Digitally signed by Eric Nielsen  
 Date: 2021.04.22 12:41:09  
 Signature Date: 04/00  
 Certified By: Eric Nielsen Professional Surveyor & Mapper, No. 5386, L.B. 6948, State of Florida  
 certifies this map of survey meets the standards set per Florida Administrative Code



Boundary Survey of the following described property, (description as furnished):

A portion of the Northwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 8, Township 21 South, Range 35 East, Brevard County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the Northeast 1/4 of said Section 8; thence run North 88°24'08" East along the North line of said Section 8, a distance of 135.00 feet to the Point of Beginning of the lands herein described; thence run North 88°24'08" East along said North line of Section 8 a distance of 135.00 feet; thence run South 1°47'27" East a distance of 632.53 feet to the North Right-of-Way line of Brockett Road; thence run South 88°30'16" West along said Right-of-Way line a distance of 134.60 feet; thence run North 1°49'38" West a distance of 632.29 feet to the Point of Beginning.

Scale: 1" = 100'

14, September, 1990

HOLLEY & ASSOCIATES, INC. - REGISTERED LAND SURVEYORS  
 3370 GARDEN ST. P.O. BOX 6118  
 TITUSVILLE, FL. 407-267-6113

The foregoing plat is hereby certified as being a correct representation of the land surveyed and meets or exceeds the Minimum standards established in Chapter 21 HH-6, Florida Administrative Code, pursuant to Florida Statute 472.027.

*Paul N. Holley, Jr.*  
 Paul N. Holley, Jr., P.L.S. # 3419

75507.

PERMIT DRAWINGS  
 ISSUANCE OF PERMIT DOES NOT RELIEVE CONTRACTOR OF CODE REQUIREMENTS;

Certified to: Paul D. and Carol A. Hall  
 Orange Bank  
 First American Title Insurance Company  
 John Minor, Attorney at Law

REDUCED FOR "FAX" PURPOSES!!!



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.2.

1/19/2022

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### **Subject:**

Lance C. Boncek requests a variance from Chapter 62, Article VI, Brevard County Code, Section 62-1334(4) to permit a variance of 1.42 acres from the required 2.5-acre minimum lot size in the AU(L) (Agricultural Residential) zoning classification, currently in a GU (General Use) zoning classification. The property is 1.08 acres, located on the south side of Angelica Street approximately 700 feet east of Alan Shepard Avenue (3375 Angelica Street, Cocoa) (Tax Account 2403955) (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 request from Lance C. Boncek.

### **Summary Explanation and Background:**

See staff comments.

### **Clerk to the Board Instructions:**



BOARD OF COUNTY COMMISSIONERS

## Inter-Office Memo

TO: Board of Adjustment Members

FROM: Jeffrey Ball, AICP, Planning and Zoning Manager

SUBJECT: Variance Staff Comments for Wednesday, January 19, 2022

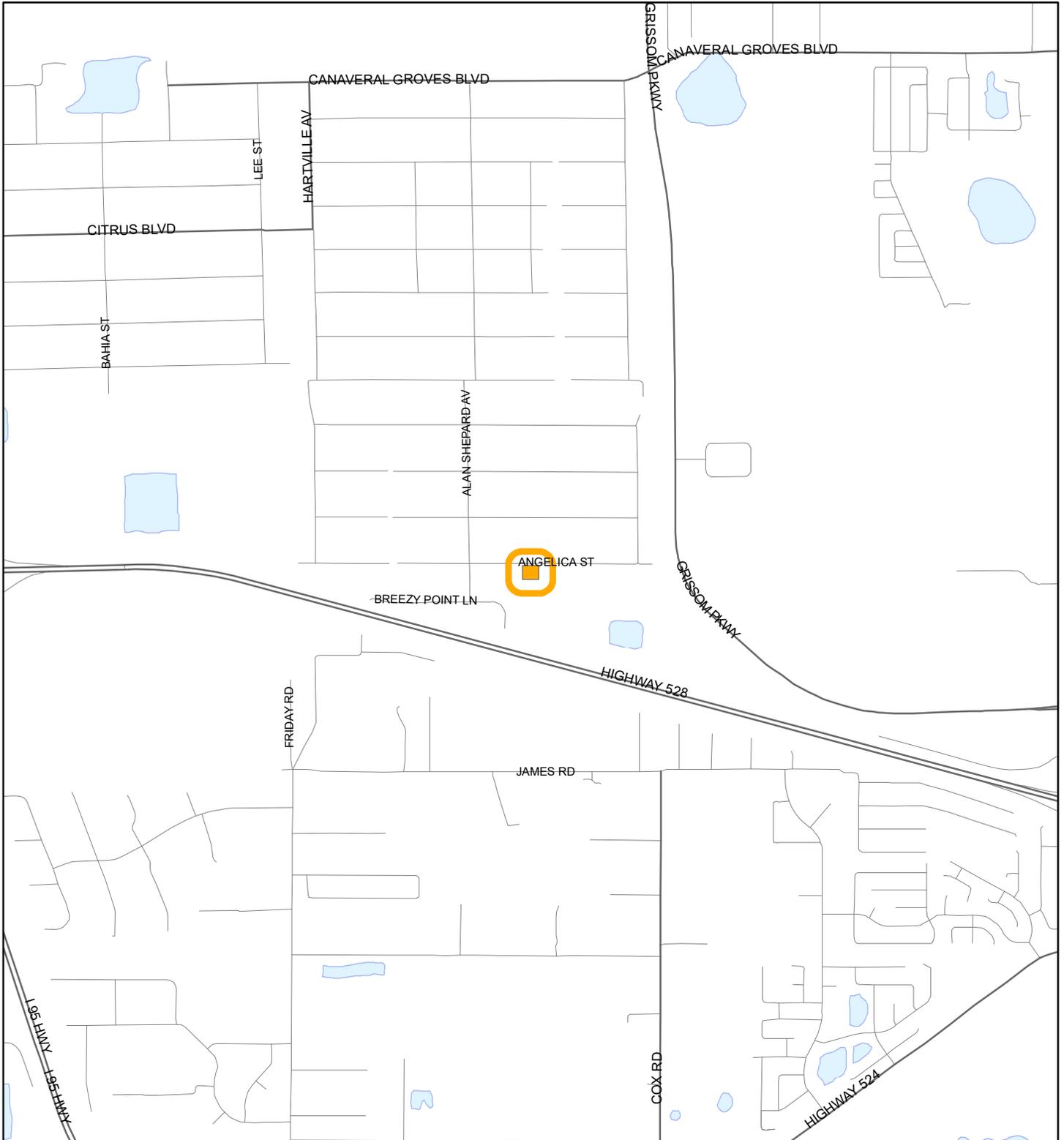
DATE: January 3, 2022

**2. (21PZ00087) (District 1) Lance C. Boncek** requests a variance from Chapter 62, Article VI, Brevard County Code, Section 62-1334(4) to permit a variance of 1.42 acres from the required 2.5-acre minimum lot size, in an AU(L) (Agricultural Residential) zoning classification, the property is currently in a GU (General Use) zoning classification.

This request represents the applicants' request to legitimize an existing parcel to rezoning the parcel to AU(L) (Agricultural Residential) for purposes of building an accessory structure. The applicants state that they purchased the parcel on August 26, 2014 in this configuration. The owner has applied to change the zoning classification (**21Z00046**) to AU(L). This request equates to an 57% deviation of what the code allows. There have been no variances approved to the lot size requirement in the immediate area. There is no code enforcement action pending with the Brevard County Planning & Development Department. If the Board approves this variance, it may want to limit its approval as depicted on the survey and provided by the applicant.

# LOCATION MAP

BONCEK, LANCE C.  
21PZ00087



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.

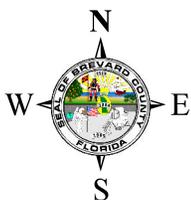
Produced by BoCC - GIS Date: 12/3/2021

-  Buffer
-  Subject Property

# AERIAL MAP

BONCEK, LANCE C.

21PZ00087



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2021

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: 12/3/2021

 Subject 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:

By building a steel garage I will be able to store and secure my belongings to include our vehicle's. This building will offer protection to the vehicles during inclement weather.

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

At the time of purchase I was unaware of the procedures required to build a separate garage on 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:

This variance does not provide any \*special privilege due to the surrounding area's having many properties zoned as AU.

(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:

The rezoning of this property will align with many of the surrounding properties of similar or smaller size.

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

This is the minimum variance required.

(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 surrounding properties.

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 Jane C. [Signature] 11/19/21

Signature of planner [Signature]

# MAP OF BOUNDARY SURVEY

**LEGAL DESCRIPTION:** (ORB 3200, PG 341)

THE EAST 236 FEET OF THE WEST 3527 FEET OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTH 1/2, LESS THE SOUTH 100 FEET FOR CANAL AND LESS THE NORTH 30 FEET FOR ROAD THEREOF, SECTION 11, TOWNSHIP 24 SOUTH, RANGE 35 EAST, BREVARD COUNTY, FLORIDA.

ALSO KNOWN AS LOT 8, BLOCK 6, CANAVERAL GROVES UNRECORDED OF SECTION 11.

4"x4" CMF  
NW CORNER  
SEC 11, TWP 24S, RGE 35 E

REFERENCE BEARING  
N 00°53'40" E 2646.13'

CMF 4"x4"  
W 1/4 CORNER  
SEC 11, TWP 24S, RGE 35 E

N 88°28'02" W 3291.14'

LOT 9 BLOCK 6

N 00°56'52" E 200.18' (M)  
N 00°53'45" E 200.28' (C)

IRF 1/2"  
NO ID

S 00°47'33" W 100.11' (M)  
S 00°53'45" W 100.01' (C)

## ANGELICA STREET (60' INGRESS & EGRESS EASEMENT)

EDGE OF UNPAVED STABILIZED BASE

S 88°27'32" E 236.00' (C)

ASPHALT

53.7'

105.8'

38.3'  
1 STORY BLDG  
NO. 3375  
58.3'

10.1'  
20.3'  
34.3'

86.9'

CONC

N 88°28'02" W 236.00' (C)  
N 88°23'55" W 236.19' (M)

100' CANAL RIGHT OF WAY

IPF 1"  
NO ID

S 00°53'45" W 200.25' (C)  
S 00°53'43" W 200.43' (M)

LOT 7 BLOCK 6

S 88°28'02" E 1990.43'

CMF 4"x4"  
E 1/4 CORNER  
SEC 11, TWP 24S, RGE 35 E

DRAWN BY: AEG SCALE 1 INCH = 40 FEET

### LEGEND

- CLF = CHAIN LINK FENCE
- CMF = CONCRETE MONUMENT FOUND
- CONC = CONCRETE
- COR = CORNER
- (D) = DEED
- DB = DEED BOOK
- ESMT = EASEMENT
- FF = FINISHED FLOOR ELEVATION
- FNC = FENCE
- FND = FOUND
- FP&L = FLORIDA POWER & LIGHT COMPANY
- ID = IDENTIFICATION
- IRC = IRON ROD & CAP FOUND
- IPF = IRON PIPE FOUND
- IRF = IRON ROD FOUND
- IRS = IRON ROD SET GAI LB 7928
- LB = LICENSED BUSINESS NUMBER
- (M) = MEASURED
- NDF = NAIL & DISK FOUND
- NDS = NAIL & DISK SET GAI LB 7928
- ORB = OFFICIAL RECORDS BOOK
- (P) = PLAT
- PB = PLAT BOOK
- PCP = PERMANENT CONTROL POINT
- PC = POINT OF CURVATURE
- PUE = PUBLIC UTILITY EASEMENT
- PUDE = PUBLIC UTILITY & DRAINAGE EASEMENT
- TYP = TYPICAL
- WD = WOOD
- WIT-COR = WITNESS CORNER 5/8" IRS GAI LB 7928
- XCF = CUT MARK FOUND

### NOTES:

1. BEARINGS BASED ON SAID PLAT (SEE SKETCH)
2. ELEVATIONS BASED ON -----
3. FLOOD ZONE "X", MAP NO. 12009CO320G COMMUNITY NO. 125092, MARCH 17, 2014
4. HORIZONTAL CLOSURE MEETS OR EXCEEDS THE ACCURACY FOR SUBURBAN LAND AS PER FLORIDA ADMINISTRATIVE CODE 5J-17
5. VERTICAL CLOSURE: NOT APPLICABLE
6. BEARINGS, DISTANCES OR ANGLES SHOWN ARE THE SAME AS PLAT, DEED OR RECORD UNLESS SHOWN OTHERWISE.
7. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

### CERTIFIED TO:

LANCE BONCEK  
EVERBANK  
DAWSON LAW P.A.  
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

### CERTIFICATION:

I HEREBY CERTIFY: THAT THE ATTACHED SURVEY WAS DONE UNDER MY DIRECTION AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

*Earl K. Gordon*

EARL K. GORDON PROFESSIONAL LAND SURVEYOR AND MAPPER  
STATE OF FLORIDA NO. LS 5363

BOUNDARY	DATE: AUG 2 2014



## GAI Surveyors

L.B. No. 7928

A. EARL GORDON, JR., PSM No. LS 2866  
EARL K. GORDON, PSM No. LS 5363  
450 BARNES BLVD, ROCKLEDGE, FL 32955  
(321) 806-3908 GAI@CFL.RR.COM



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

---

H.3.

1/19/2022

---

### **Subject:**

Jeannette L. Knight requests variances from Chapter 62, Article VI, Brevard County Code, as follows: 1) Section 62-1341(5)(a), to permit a variance of 13 ft. from the required 20-ft. rear setback for a principal structure; 2) Section 62-1341(5)(a), to permit a variance of 2.1 ft. from the required 7.5-ft. side setback for a principal structure; 3.) Section 62-1341(5)(b) to permit a variance of 7.0 feet from the required 7.5-foot side setback for an accessory structure, in a RU-1-9 (Single-Family Residential) zoning classification. The property is 0.17 acres, located on the south side of Needle Boulevard, approximately 453 feet east of Fourth Place (315 Needle Boulevard, Merritt Island) (21PZ00088) (Tax Account 241913) (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 variances requested by Jeannette L. Knight.

### **Summary Explanation and Background:**

See staff comments.

### **Clerk to the Board Instructions:**



BOARD OF COUNTY COMMISSIONERS

## Inter-Office Memo

TO: Board of Adjustment Members

FROM: Jeffrey Ball, AICP, Planning and Zoning Manager

SUBJECT: Variance Staff Comments for Wednesday, January 19, 2022

DATE: January 3, 2022

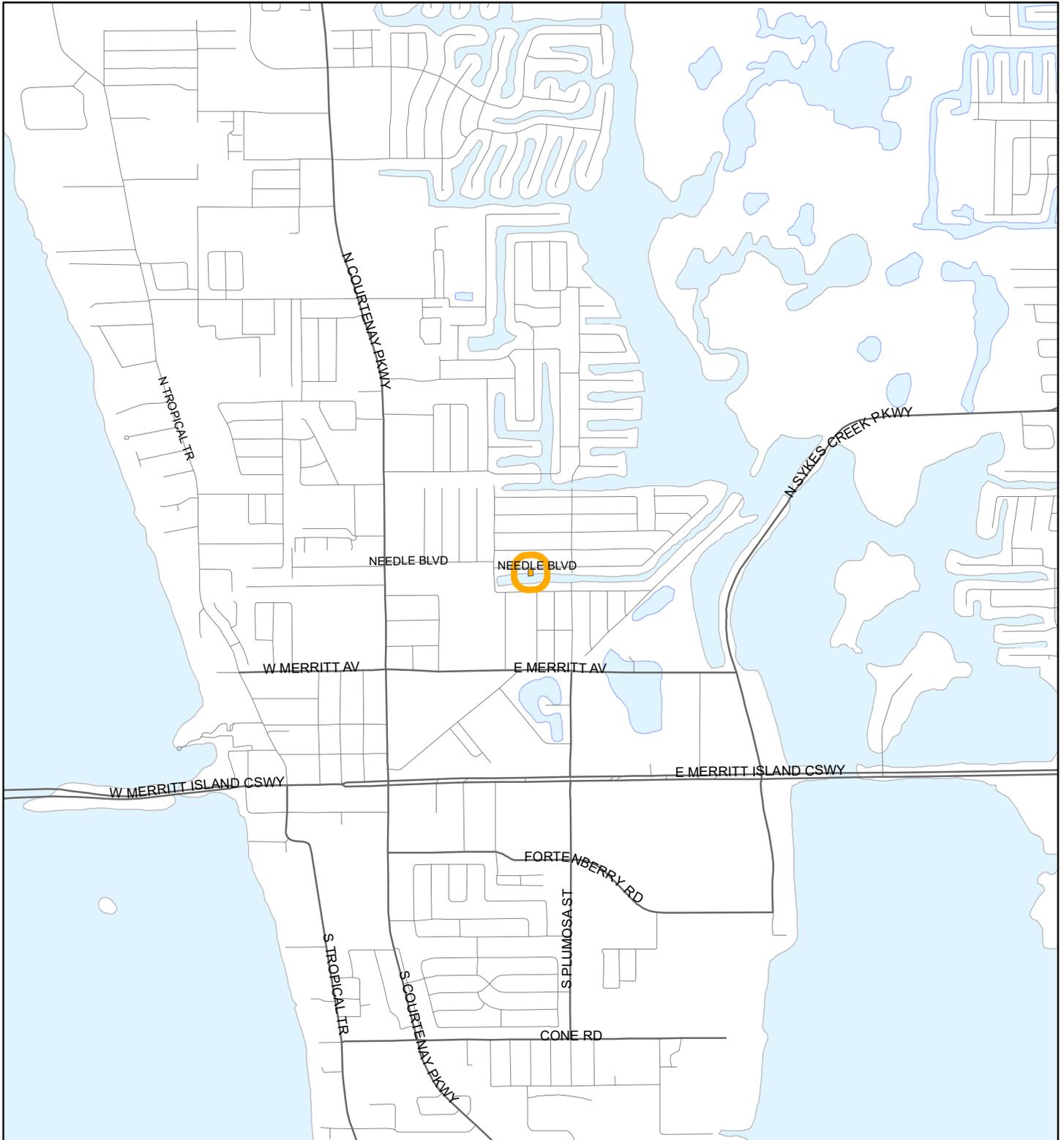
**3. (21PZ00088) (District 2) Jeannette L. Knight** requests variances from Chapter 62, Article VI, Brevard County Code, 1) Section 62-1341(5)(a) to permit a variance of 7.0 feet from the required 20.0-foot rear setback for a principle structure; 2) Section 62-1341(5)(a) to permit a variance of 2.1 feet from the required 7.5-foot side setback for a principle structure, in a RU-1-9 (Single Family Residential) zoning classification. 3.) Section 62-1341(5)(b) to permit a variance of 7.0 feet from the required 7.5-foot side setback for an accessory structure in RU-1-9 (Single Family Residential) zoning classification.

This request represents the applicants' request to legitimize an existing single-family home that was destroyed by a fire to rebuild the home in the same footprint. The applicant states the home was built in 1961 in this configuration by a previous owner. The applicant also states that the home was in this configuration when they bought the parcel on July 17, 2014. There have been two variances approved to setback requirements for a principal structure in the immediate area. The first request equates to a 65% deviation of what the code allows. The second request equates to a 28% deviation of what the code allows. The third request equates to a 93% deviation from what the code allows. There is no code enforcement action pending with the Brevard County Planning & Development Department. If the Board approves this variance, it may want to limit its approval to the location depicted on the survey provided by the applicant.

# LOCATION MAP

KNIGHT, JEANNETTE L.

21PZ00088



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.

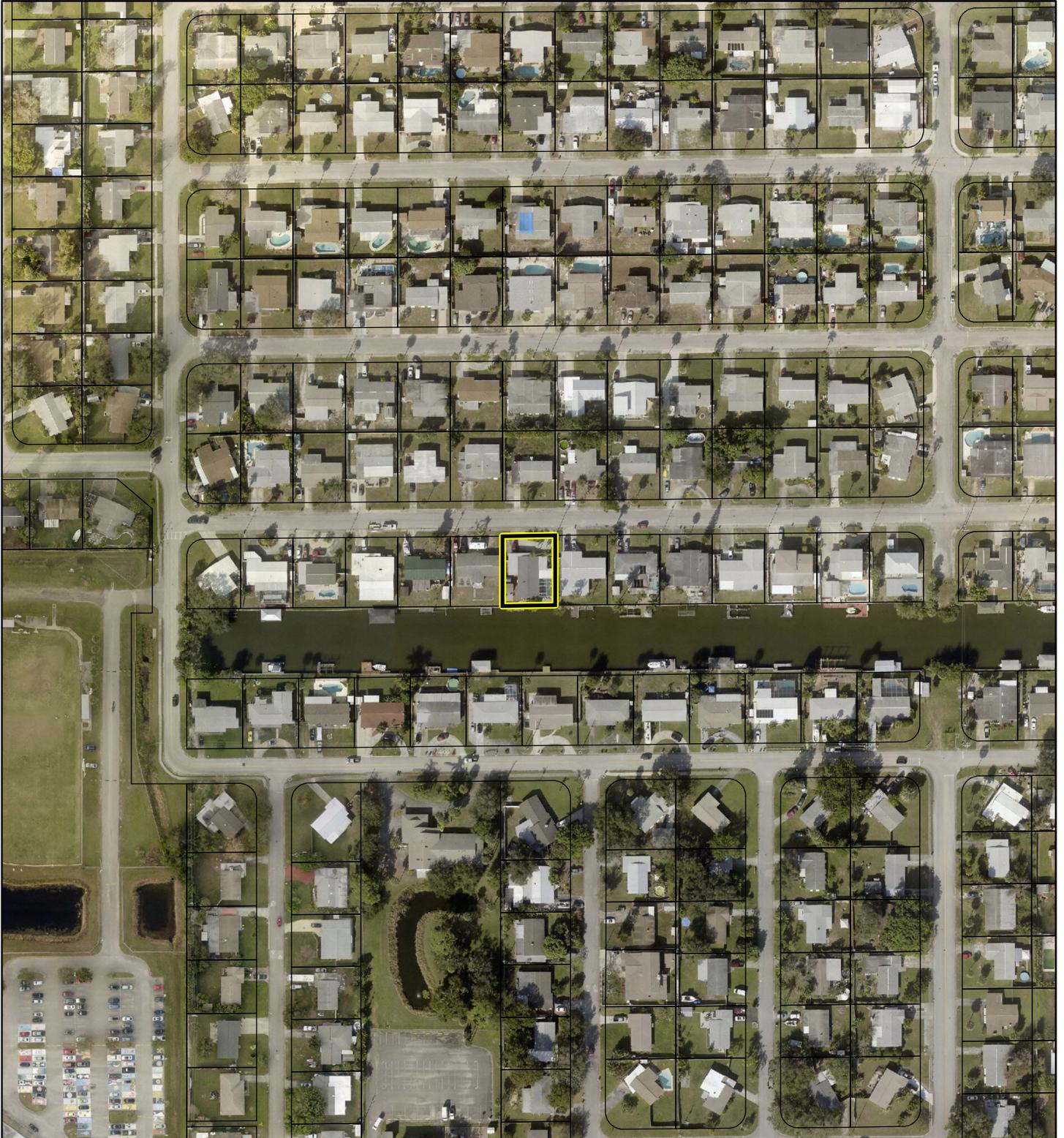
Produced by BoCC - GIS Date: 12/13/2021

-  Buffer
-  Subject Property

# AERIAL MAP

KNIGHT, JEANNETTE L.

21PZ00088



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2021

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: 12/13/2021

 Subject 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:

House Fire  
Home was built by previous owner, purchased in 2014. Home was in this configuration when purchased in 2014.

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

No, we did not change configuration of home. Home was in this configuration when purchased in 2014.

(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, home is ~~going~~ going to be re-built on same foundation. Home is complete fire loss.

(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:

Re-build house using the same footprint.

(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, this home will be re-built to live in, using the same footprint as it was.

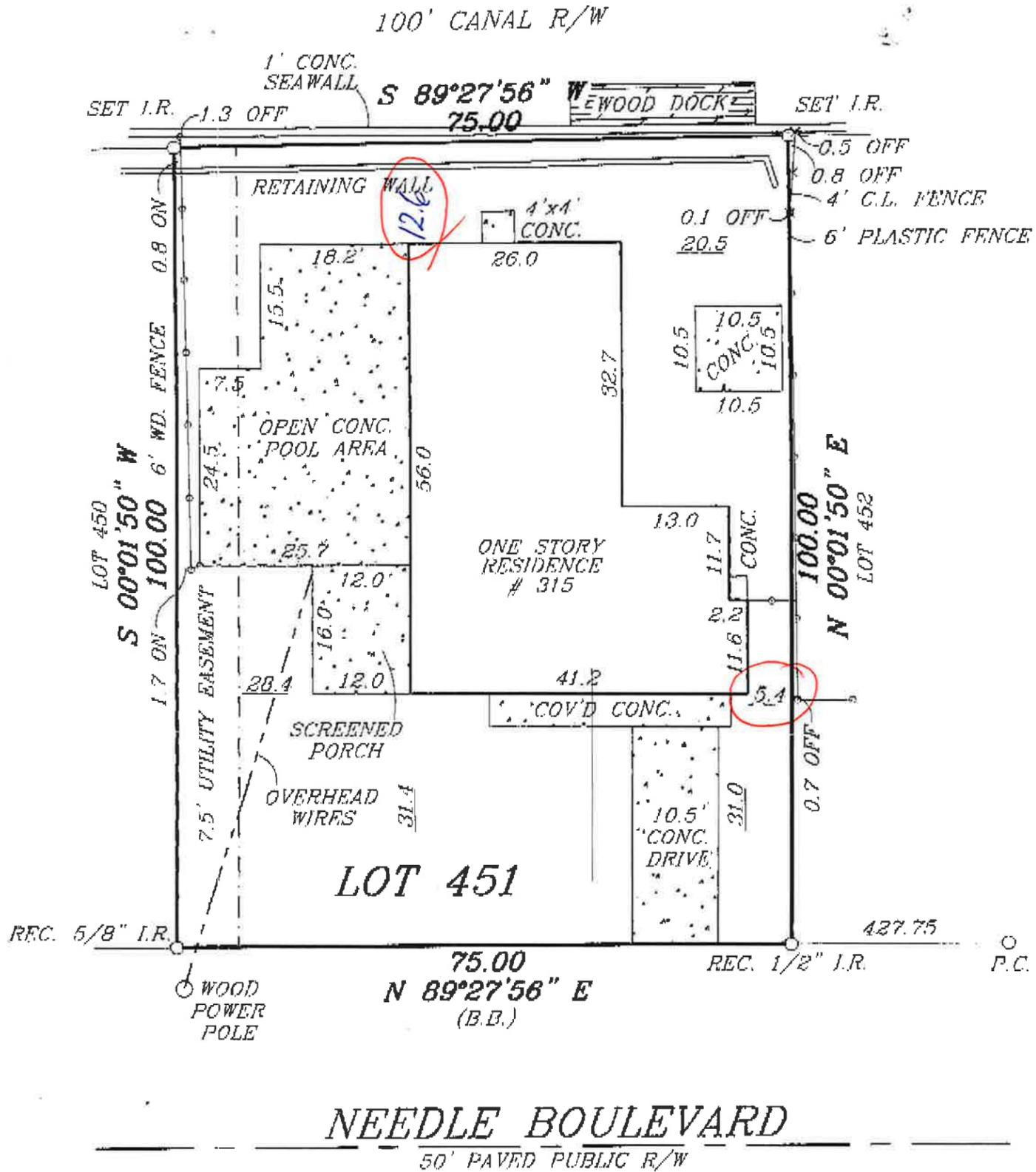
I understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by the below-signed zoning representative. I am fully aware that it is my responsibility to prove complete compliance with the aforementioned criteria.

Signature of applicant Jannette L. Knight

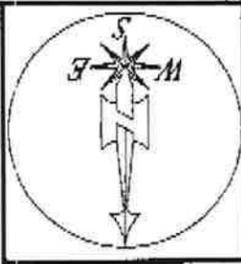
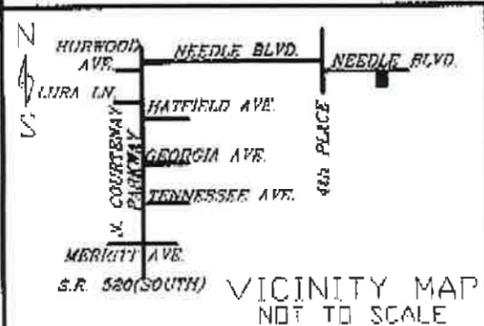
Signature of planner Paul Body

PLAT OF LAND SURVEY FOR and/or CERTIFIED TO: Ronald W. & Jeanette L. Knight  
 Caliber Home Loans, Inc.  
 Network Closing Services, Inc.  
 Chicago Title Insurance Company

DESCRIPTION AS FOLLOWS: Lot 451, HAMPTON HOMES, UNIT 7, as recorded in Plat Book 14,  
 Pages 6,3, Public Records of Brevard County, Florida.



WALKER LAND SURVEYING, INC.



- NOTES
- STANDARDS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 31-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472-027, FLORIDA STATUTES.
  - UNLESS SIGNED AND EMBOSSED WITH SURVEYOR'S SEAL, THIS SURVEY IS NOT VALID.
  - THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THE SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR EASEMENTS THAT AFFECT THIS PROPERTY.
  - NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
  - THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.
  - DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
  - ELEVATIONS, IF SHOWN, ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929, UNLESS OTHERWISE NOTED.
  - BEARINGS BASED ON THE SOUTH R/W LINE OF NEEDLE BOULEVARD  
 SAID BEARING BEING N 89°27'56" E
  - BEARING AND DISTANCES ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
  - MEASUREMENTS SHOWN ARE BASED ON THE STANDARD U.S. SURVEY FOOT.
  - ADDITIONS OR DELETIONS TO THIS SURVEY IS PROHIBITED WITHOUT CONSENT FROM SIGNING SURVEYOR.

BREVARD COUNTY OFFICE  
 4175 S. U.S. 1  
 ROCKLEDGE, FL 32955  
 321-636-1055  
 321-636-1404 (FAX)  
 LB 6710

LEGEND

P.T.	POINT OF TANGENCY	P	PI	POINT
D	DESCRIPTION	F	FIELD	FIELD
B.D.	BASE BEARING (SEE 48)	I.P.	IRON PIPE	IRON PIPE
A/C	AIR CONDITIONER	I.R.	IRON ROD	IRON ROD
R	RADIUS	C.M.	CONCRETE MONUMENT	CONCRETE MONUMENT
L	ARC LENGTH	SET 1R	5/8" I.R. W/10 6710	5/8" I.R. W/10 6710
CH	CHORD	REC	RECOVERED	RECOVERED
CB	CHORD BEARING	P.O.C.	POINT OF BEGINNING	POINT OF BEGINNING
P.O.L.	POINT ON LINE	P.O.C.	POINT OF COMMENCEMENT	POINT OF COMMENCEMENT
TYP.	TYPICAL	C/C	COVERED CONCRETE	COVERED CONCRETE
R/W	RIGHT-OF-WAY	N&D	MAIL & SIGN	MAIL & SIGN
RAD.	RADIAL	E.M.	EASEMENT	EASEMENT
N.R.	NON-RADIAL	DRAIN	DRAINAGE	DRAINAGE
W.P.	WITNESS POINT	UTIL.	UTILITY	UTILITY
WD.	WOOD	CL	CHAIN LINK	CHAIN LINK
S/W	SIDEWALK	C.B.	CONCRETE BLOCK	CONCRETE BLOCK
DR.	DRILL HOLE	C.C.	POINT OF CURVATURE	POINT OF CURVATURE
EL.	ELEVATION	F.F.E.	FINISHED FLOOR ELEVATION	FINISHED FLOOR ELEVATION
P.U. & D.E.	PUBLIC UTILITIES & DRAINAGE ESMT.			

CERTIFIED BY: JOHN W. WALKER R.L.S. NO. 5362

THIS BUILDING/PROPERTY DOES NOT LIE WITHIN THE ESTABLISHED SPECIAL FLOOD HAZARD AREA PER "FIRM". IT LIES IN ZONE: X

PANEL # 12009C 0430G MAP DATE: 3-17-11

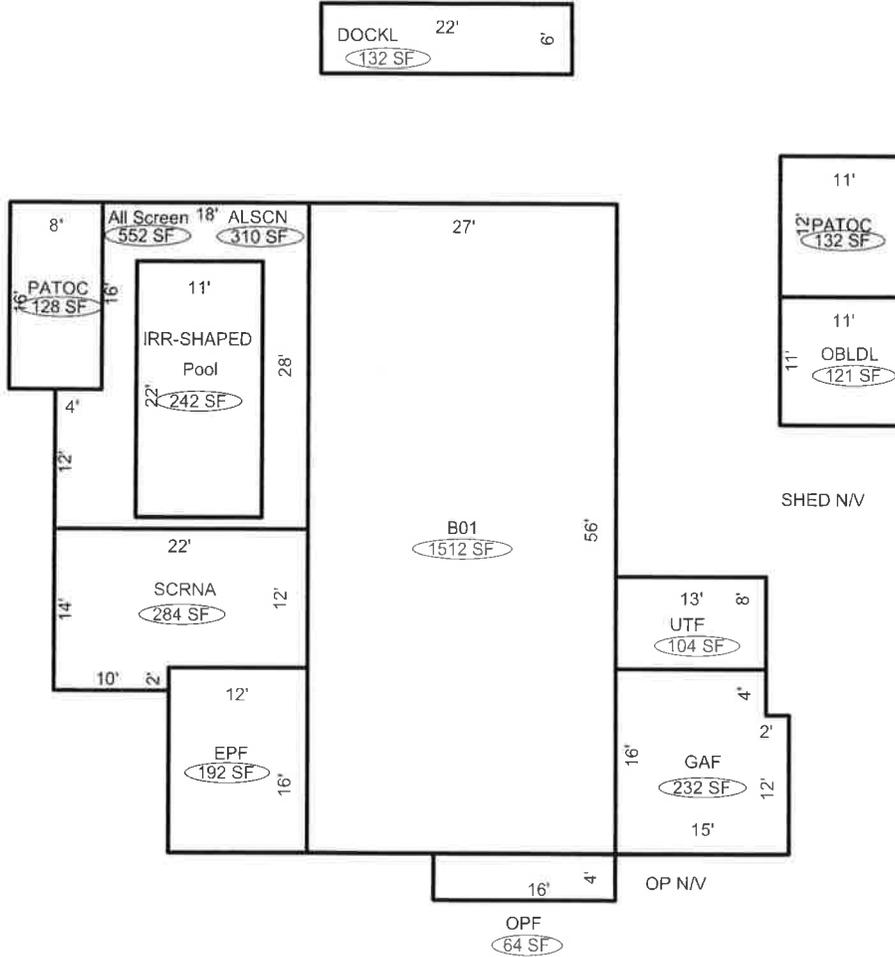
SCALE 1" = 20'	
FIELD DATE	ORDER NO. (DWG. NO.)
<u>BOUNDARY 00-00-00</u>	<u>51249</u>
DRAWN BY: <u>Z.A.#</u>	CHECKED BY:

# SKETCH/AREA TABLE ADDENDUM

## SUBJECT INFO

Township: \_\_\_\_\_ Parcel No.: \_\_\_\_\_  
 Property Address: \_\_\_\_\_  
 City: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_ ZipCode: \_\_\_\_\_  
 Owner: \_\_\_\_\_  
 Client: \_\_\_\_\_ Client Address: \_\_\_\_\_  
 Appraiser Name: \_\_\_\_\_ Inspection Date: \_\_\_\_\_

## SKETCH



Sketch by Apex Sketch

### AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
ALSCN	Pool Deck	1.0	310.0	100.0	
	All Screen	1.0	552.0	100.0	862.0
B01	B1	1.0	1512.0	166.0	1512.0
DOCKL	Dock	1.0	132.0	56.0	132.0
EPF	Enclosed Porch	1.0	192.0	56.0	192.0
GAF	Garage	1.0	232.0	62.0	232.0
OBLDL	Out Building	1.0	121.0	44.0	121.0
OPF	Open Porch	1.0	64.0	40.0	64.0
PATOC	Patio	1.0	128.0	48.0	260.0
POOL	Pool	1.0	242.0	66.0	242.0
SCRNA	Screen Enclosure	1.0	284.0	72.0	284.0
UTF	Utility Room	1.0	104.0	42.0	104.0

### COMMENT TABLE 1

### COMMENT TABLE 2

### COMMENT TABLE 3



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.4.

1/19/2022

---

### **Subject:**

Kenneth Kurt & Tina C. Krokenberger request a variance from Chapter 62, Article VI, Brevard County Code, Section 62-1339(5)(b) to permit a variance of 5.6 ft. from the required 10-ft. side (north) setback for an accessory structure, in an EU-2 (Estate Use Residential) zoning classification. The property is 0.46 acres, located on the northeast corner of the cul-de-sac of Brahman Avenue, approximately 738 feet north of Tuckaway Drive (3401 Brahman Avenue, Rockledge) (21PZ00093) (Tax Account 2522033) (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 request by Kenneth Kurt and Tina C. Krokenberger.

### **Summary Explanation and Background:**

See staff comments.

### **Clerk to the Board Instructions:**



BOARD OF COUNTY COMMISSIONERS

## Inter-Office Memo

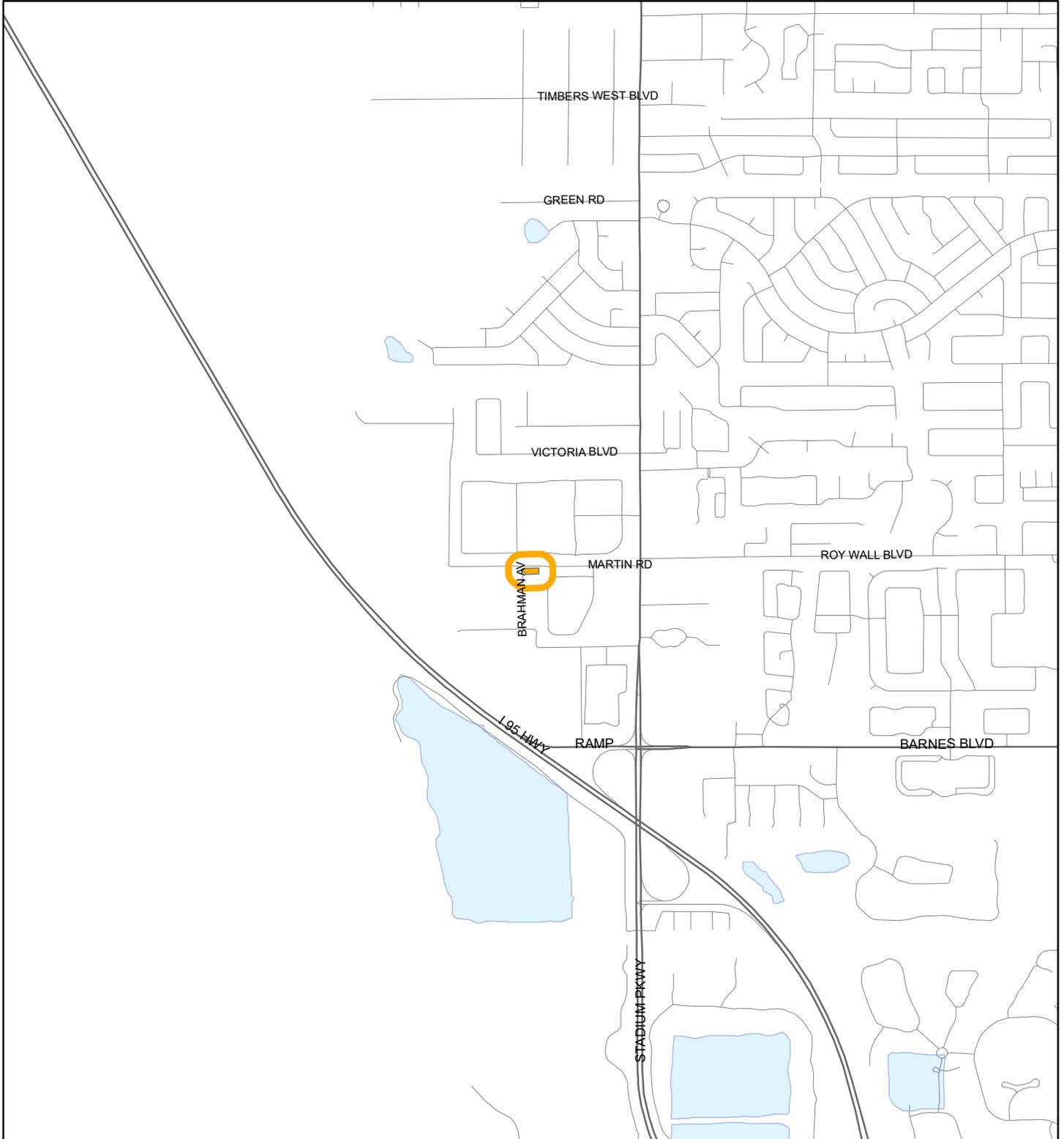
TO: Board of Adjustment Members  
FROM: Jeffrey Ball, AICP, Planning and Zoning Manager  
SUBJECT: Variance Staff Comments for Wednesday, January 19, 2022  
DATE: January 3, 2022

**4. (21PZ00093) (District 2) (21PZ00093) Kenneth Kurt & Tina C. Krokenberger** request a variance from Chapter 62, Article VI, Brevard County Code, Section 62-1339(5)(b) to permit a variance of 5.6 feet from the required 10.0-foot side (north) setback for an accessory structure (concrete deck), in an EU-2 (Estate Use Residential) zoning classification.

This request represents the applicants' request to legitimize an existing concrete deck. The applicants state that they built a retaining wall (20BC10979) abutting a drainage ditch. The applicants added a concrete deck between their house and the retaining wall because the house foundation was not prepped well enough to prevent a shift in the house foundation. They state the concrete deck into the retaining wall reinforced the north side of the house. This request equates to a 56% deviation of what the code allows. There have been no variances approved to the lot size requirement in the immediate area. There is no code enforcement action pending with the Brevard County Planning & Development Department. If the Board approves this variance, it may want to limit its approval as depicted on the survey and provided by the applicant.

# LOCATION MAP

KROKENBERGER, KENNETH KURT & TINA C.  
21PZ00093



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

Buffer Distance: 200 feet

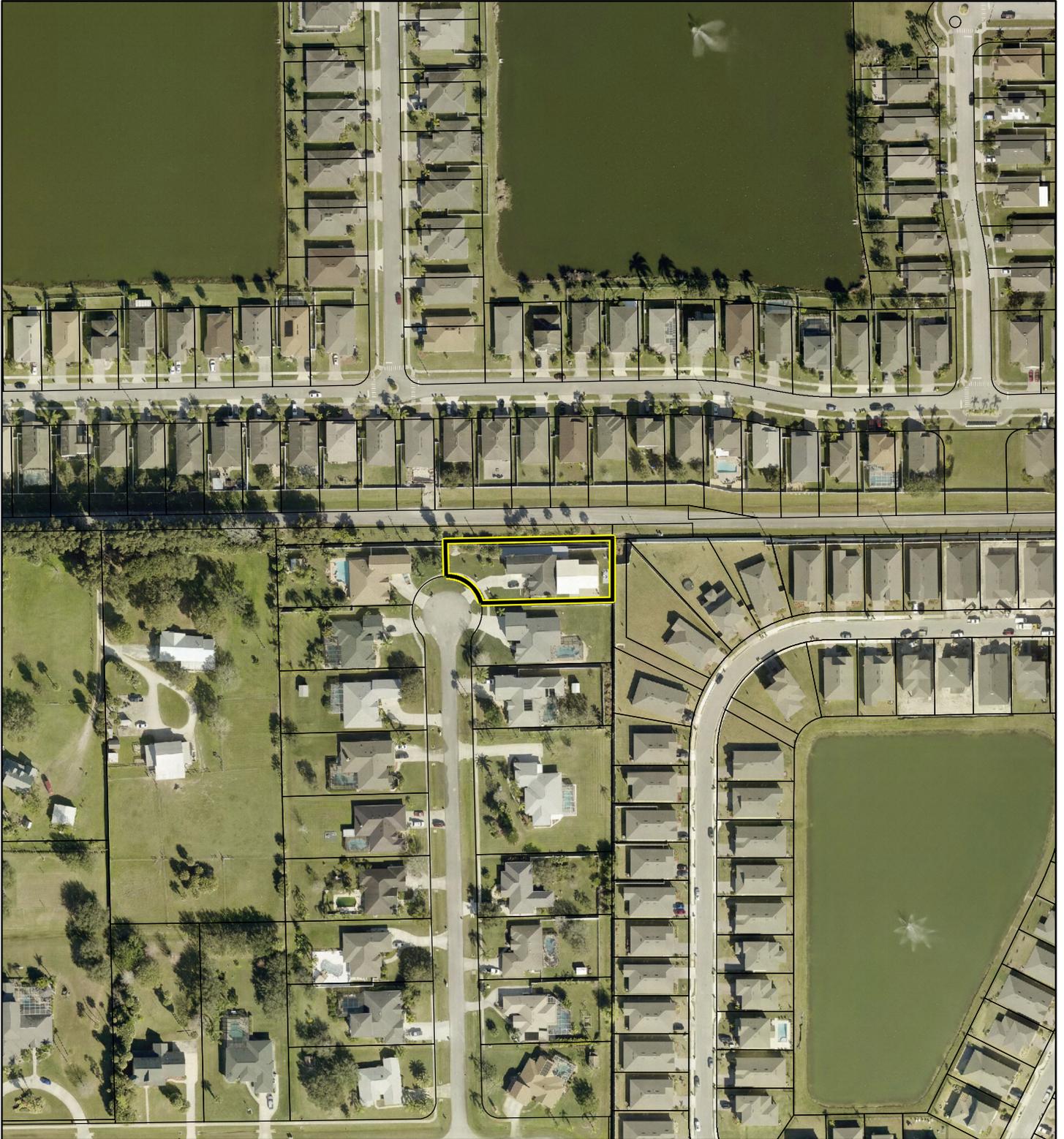
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/7/2021

-  Buffer
-  Subject Property

# AERIAL MAP

KROKENBERGER, KENNETH KURT & TINA C.  
21PZ00093



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2021

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: 12/7/2021

 Subject 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:

When the house was built in 2001, Brevard County required that the contractor move the structure four feet to the North of the property parallel to Martin Road and the drainage ditch along the road. The drainage ditch is approximately 6 feet lower than our land bordering the North side of the house.

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

Applicant Response:

No other home along Martin Road was built this close to the drainage ditch, except for 3400 Brahman Ave, which the county installed a culvert and filled in the land. Our lot did not have a culvert installed, so the house foundation was set 4 foot from a drop off that sloped 6 feet down into the drainage ditch along Martin Road. The house foundation was not prepped well enough to prevent a shift in the house foundation so we consulted with an engineer to plan a way to reinforce the North side of the house.

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:

Our request is to put a railing/fence structure along the 4'10" retaining wall that was installed to protect the North side of the house from any foundation shifts. This railing will be similar to the fence on the property at 3400 Brahman Ave, and the fencing along the North side of Martin Road surrounding the Phillips Landing Subdivision. It will also be shorter than the 9' wall surrounding the new Palm Cove subdivision to the East of our 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:

Since the land on the North side of our house was unusable in its original state, and at the suggestion of our engineer, we put up a retaining 5' 7" retaining wall and had the gap between the house and new wall filled in with dirt and land fill. It was packed and prepped for a new slab that was tied into the house foundation using rebar. This wall is 4'10" from the base of the land that borders the Martin Road drainage ditch.

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

Applicant Response:

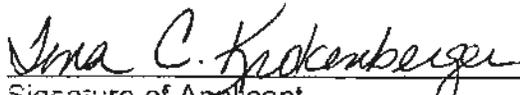
The minimum height of a railing is 36" and we are requesting a 48" railing to be installed 1 foot in from the edge of the retaining wall. With the addition of this railing, we would then be able to use this space for ourselves and anyone visiting our house.

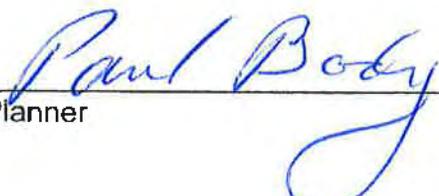
6. That the granting of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant Response:

Installation of the railing/fence would protect anyone visiting our home, and will be in harmony with the other fencing structures along Martin Road. If we are not allowed to put up the railing/fence structure along the length of the retaining wall, we would not be able to use the space, and anyone visiting our property could accidentally fall off of the side of the slab into the drainage ditch.

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.

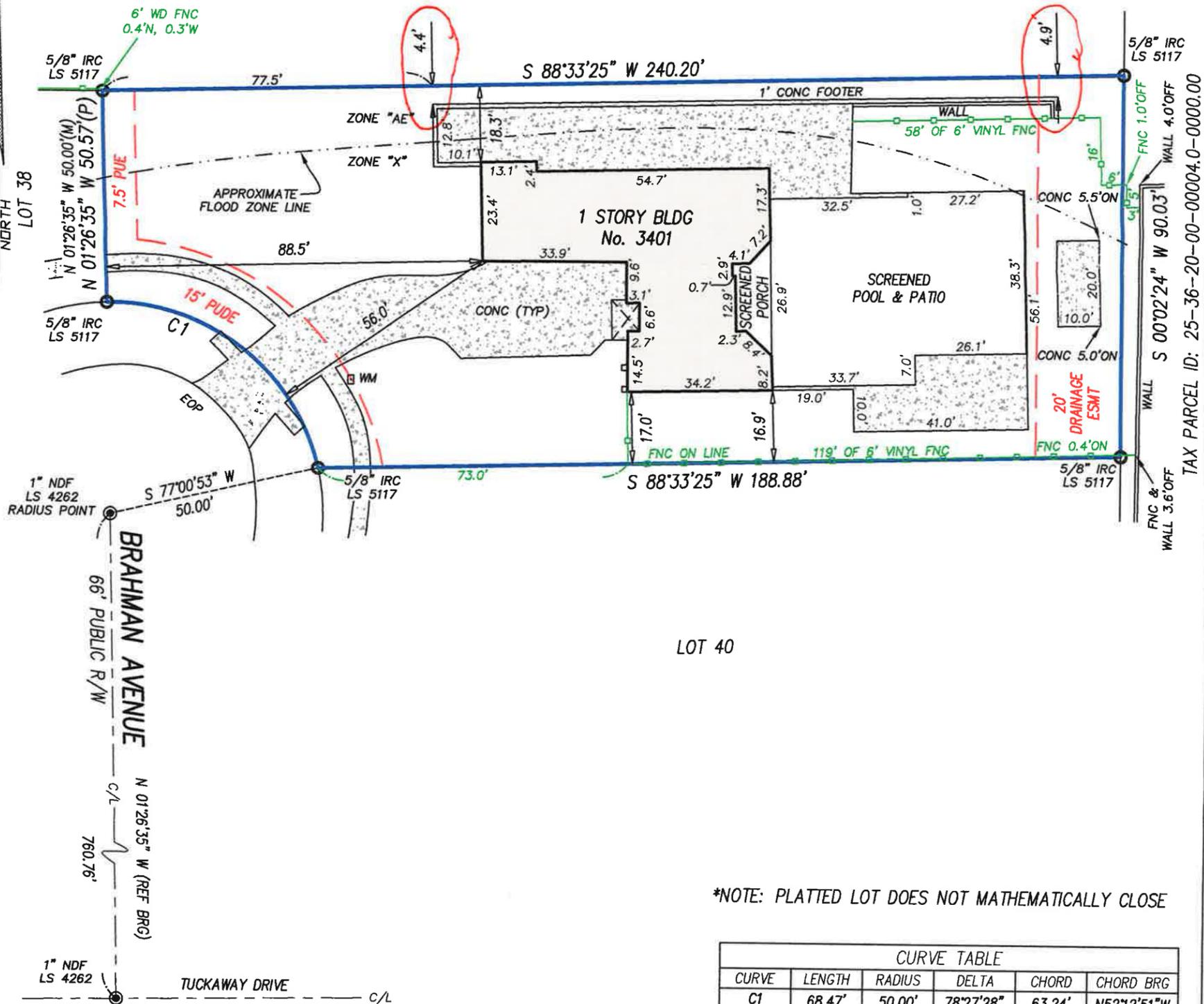
  
Signature of Applicant

  
Signature of Planner

# MAP OF BOUNDARY SURVEY

TRACT "A"

\*CITY WATER AVAILABLE TO LOT



LOT 40

\*NOTE: PLATTED LOT DOES NOT MATHEMATICALLY CLOSE

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BRG
C1	68.47'	50.00'	78°27'28"	63.24'	N52°12'51"W

### LEGEND

- |   |   |  |
|---|---|--|
| <p>A = ARC<br/>A/C = AIR CONDITIONER<br/>BFE = BASE FLOOD ELEVATION<br/>BLDG = BUILDING<br/>BLK = BLOCK<br/>BM = BENCHMARK<br/>BRG = BEARING<br/>(C) = CALCULATED<br/>CATV = CABLE TELEVISION<br/>CBS = CONCRETE BLOCK STRUCTURE<br/>CHD = CHORD<br/>C/L = CENTERLINE<br/>CLF = CHAIN LINK FENCE<br/>CMF = CONCRETE MONUMENT FOUND<br/>CMP = CORRUGATED METAL PIPE<br/>CONC = CONCRETE<br/>COR = CORNER<br/>(D) = DEED<br/>DB = DEED BOOK<br/>DHF = DRILL HOLE FOUND<br/>ELEC = ELECTRIC<br/>ELEV = ELEVATION<br/>ENC = ENCROACHMENT<br/>EOP = EDGE OF PAVEMENT<br/>ESMT = EASEMENT<br/>FB = FIELD BOOK</p> | <p>FEMA = FEDERAL EMERGENCY MANAGEMENT AGENCY<br/>FF = FINISHED FLOOR<br/>FNC = FENCE<br/>FND = FOUND<br/>FP&amp;L = FLORIDA POWER &amp; LIGHT COMPANY<br/>ID = IDENTIFICATION<br/>IPF = IRON PIPE FOUND<br/>IRC = IRON ROD &amp; CAP FOUND<br/>IRF = IRON ROD FOUND<br/>IRS = 5/8" IRON ROD SET "LB 7838"<br/>LB = LICENSED BUSINESS NUMBER<br/>LS = (RLS) or (PLS) REGISTERED OR PROFESSIONAL LAND SURVEYOR<br/>(M) = MEASURED<br/>NAVD = NORTH AMERICAN VERTICAL DATUM<br/>NDF = NAIL &amp; DISK FOUND<br/>NDS = 1 1/4" NAIL &amp; DISK SET "LB 7838"<br/>NGVD = NATIONAL GEODETIC VERTICAL DATUM<br/>No. = NUMBER<br/>O/H = OVERHEAD<br/>ORB = OFFICIAL RECORDS BOOK<br/>O/S = OFFSET<br/>(P) = PLAT<br/>PB = PLAT BOOK</p> | <p>PC = POINT OF CURVATURE<br/>PCC = POINT OF COMPOUND CURVATURE<br/>PCP = PERMANENT CONTROL POINT<br/>PI = POINT OF INTERSECTION<br/>PLS = PROFESSIONAL LAND SURVEYOR<br/>POB = POINT OF BEGINNING<br/>POC = POINT OF COMMENCEMENT<br/>PRC = POINT OF REVERSE CURVATURE<br/>PRM = PERMANENT REFERENCE MONUMENT<br/>PSM = PROFESSIONAL SURVEYOR AND MAPPER<br/>PT = POINT OF TANGENCY<br/>PUDE = PUBLIC UTILITY &amp; DRAINAGE EASEMENT<br/>PUE = PUBLIC UTILITY EASEMENT<br/>R = RADIUS<br/>REF = REFERENCE<br/>RNG = RANGE<br/>R/W = RIGHT OF WAY<br/>SEC = SECTION<br/>SFHA = SPECIAL FLOOD HAZARD AREAS<br/>TEL = TELEPHONE RISER<br/>TWP = TOWNSHIP<br/>TYP = TYPICAL<br/>UP = UTILITY POLE<br/>WD = WOOD<br/>WIT-COR = 5/8" IRON ROD SET WITH CAP "WITNESS LB 7838"<br/>WM = WATER METER<br/>XCF = CROSS CUT FOUND</p> |
|---|---|--|

### LEGAL DESCRIPTION:

LOT 39, TUCKAWAY LAKE ESTATES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 39, PAGES 41-43, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA

BOUNDARY	DATE: 11/8/21	JOB No. 35978
		TUCKAWAY/L39

### CERTIFIED TO:

KENNETH KURT KROKENBERGER AND TINA C. KROKENBERGER

### CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED SURVEY WAS DONE UNDER MY DIRECTION AND MEETS THE STANDARDS AND PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 FLORIDA STATUTES.

DATE: 11/10/21

JOEL A. SEYMOUR PROFESSIONAL LAND SURVEYOR AND MAPPER  
STATE OF FLORIDA No. LS 6133

DRAWN BY: JIL

SCALE 1 INCH = 30 FEET

### NOTES:

- BEARINGS BASED ON THE C/L BEING N 01°26'35" W AS PER PLAT (SEE SKETCH)
- ELEVATIONS BASED ON \_\_\_\_\_
- FLOOD ZONE "X" & "AE", MAP No. 12009C0436H COMMUNITY No. 125092, JANUARY 29, 2021. FLOOD ZONE INFORMATION DEPICTED HEREON IS APPROXIMATE. FEMA RETAINS SOLE AUTHORITY REGARDING BOUNDARY AND EXTENT OF SFHA.
- HORIZONTAL CLOSURE MEETS OR EXCEEDS THE ACCURACY REQUIREMENTS FOR SUBURBAN LAND AS PER FLORIDA STATUTE 5J-17-6.003
- BEARINGS, DISTANCES OR ANGLES SHOWN ARE THE SAME AS PLAT, DEED OR RECORD UNLESS SHOWN OTHERWISE.
- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY, IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.
- THE SURVEYOR HAS NOT LOCATED NOR ATTEMPTED TO LOCATE ANY UNDERGROUND UTILITIES, FOUNDATIONS, OR STRUCTURES OTHER THAN THOSE THAT MAY BE SHOWN HEREON.
- ONLY BOUNDARY CORNER MONUMENTS AS SHOWN HEREON ARE TO BE USED FOR THE LOCATION AND CONSTRUCTION OF IMPROVEMENTS.
- UNLESS OTHERWISE INDICATED THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE SEARCH OR ATTORNEY'S TITLE OPINION.

**Kane Surveying, Inc.**

FLORIDA LICENSED BUSINESS No. LB 7838  
505 DISTRIBUTION DRIVE  
MELBOURNE, FLORIDA 32904  
(321) 676-0427 FAX (321) 984-1448



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.5.

1/19/2022

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### **Subject:**

Brad A. Lange requests a variance from Chapter 62, Article VI, Brevard County Code, Section 62-1371(4)(b) to permit a variance of 25 ft. from the required 75-ft. lot width in BU-1 (General Retail Commercial) & RU-2-30 (High Density Multiple Family Residential) zoning classifications. The property is 2 acres, located on the east side of North Courtenay Parkway, approximately 1,085 feet south of Chase Hammock Road(4910, 4920, 4930 and 4940 North Courtenay Parkway, Merritt Island) (21PZ00094) (Tax Account 2318704) (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 request from Brad A. Lange.

### **Summary Explanation and Background:**

See staff comments.

### **Clerk to the Board Instructions:**



BOARD OF COUNTY COMMISSIONERS

## Inter-Office Memo

TO: Board of Adjustment Members

FROM: Jeffrey Ball, AICP, Planning and Zoning Manager

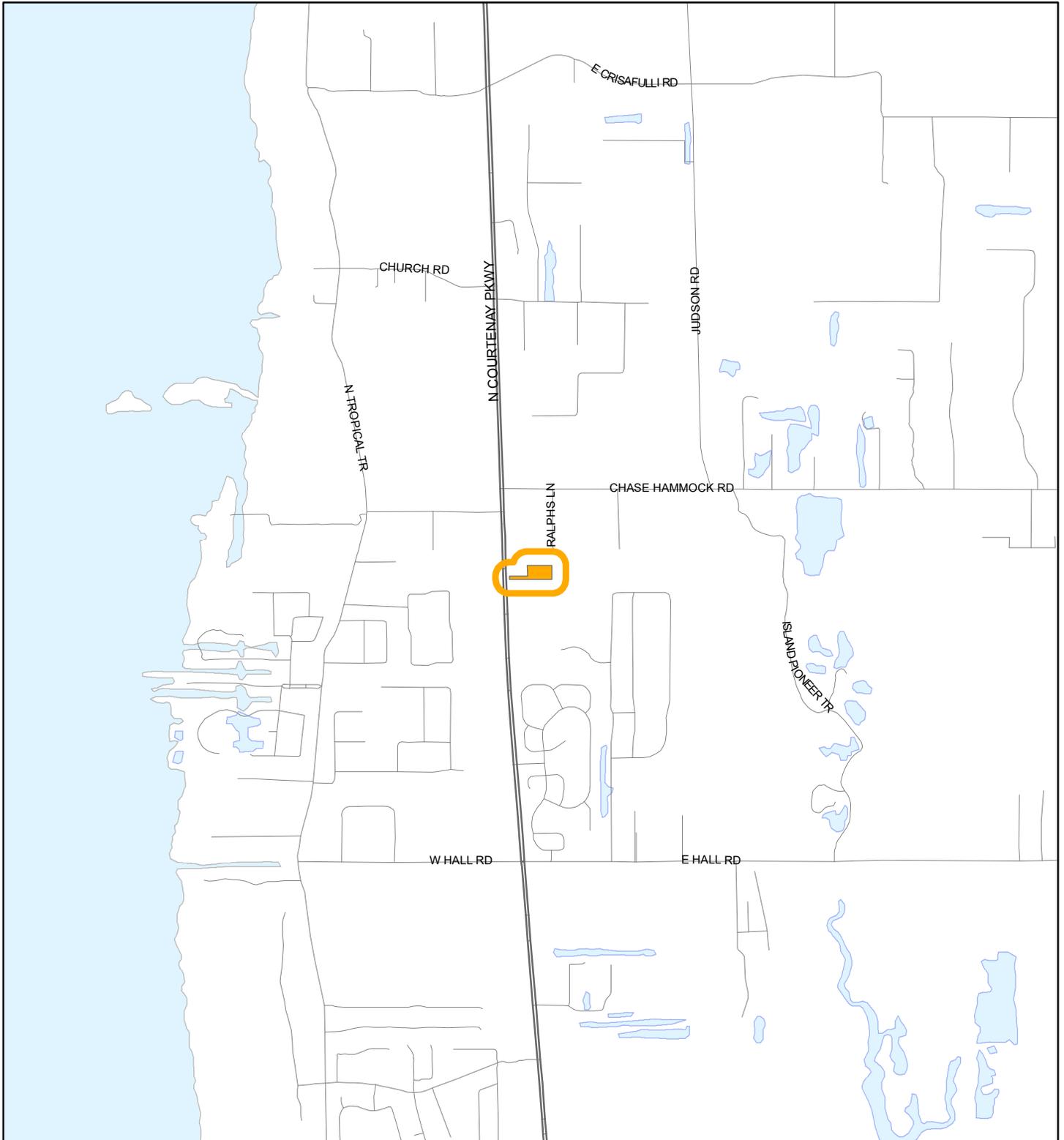
SUBJECT: Variance Staff Comments for Wednesday, January 19, 2022

DATE: January 3, 2022

**5. (21PZ00094) (District 2) Brad A. Lange** requests a variance from Chapter 62, Article VI, Brevard County Code, Section 62-1371(4)(b) to permit a variance of 25.0 ft. from the required 75.0 ft. lot width in BU-1 (General Retail Commercial) & RU-2-30 (High Density Multiple Family Residential) zoning classifications. This request represents the applicants' request to split the lot and legitimize the back multi-family-zoned portion to sell the remainder of the front commercial portion. The applicant states the multi-family portion will be rezoned from RU-2-30 to RU-2-4. The applicant states the property has been a business out front with 150 feet of frontage and three residences in back with 50 feet of frontage for approximately 50 years. This request equates to a 33% deviation from what the code allows. There is no code enforcement action pending with the Brevard County Planning & Development Department. This is not the minimum variance that can be requested. The Board may wish to consider a variance of 15 feet from the 75 feet minimum lot width required in BU-1 zoning, which would allow for a width of 60 feet. The Board may wish to consider If the Board approves this variance, it may want to limit its approval to the location depicted on the survey provided by the applicant.

# LOCATION MAP

LANGE, BRAD A.  
21PZ00094



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

Buffer Distance: 200 feet

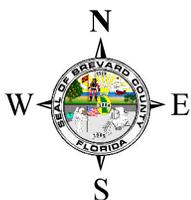
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 12/13/2021

-  Buffer
-  Subject Property

# AERIAL MAP

LANGE, BRAD A.  
21PZ00094



1:4,800 or 1 inch = 400 feet

PHOTO YEAR: 2021

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: 12/8/2021

-  Subject 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 PROPERTY HAS ALWAYS BEEN A COMBINATION OF THE PARCEL A. (PROX .75 ACRES) WHICH IS A BUSINESS ZONED BU4 AND PARCEL B (PROX 2.0 ACRES) ZONED RU-2-30. WE WANT TO KEEP THE EXISTING BOUNDARY LINES PER THE LEGAL DESCRIPTION AND MAKE NO CHANGES.

\*THE RU-2-30 WILL BE REZONED TO RU-2-4.

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

Applicant Response:

THE PROPERTY HAS BEEN A BUSINESS OUT FRONT WITH 150 FEET OF FRONTAGE AND (3) RESIDENCES IN BACK WITH 50 FEET OF FRONTAGE, FOR 50 YEARS (PROX).

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this chapter to other lands, buildings, or structures in the identical zoning classification.

Applicant Response:

WE BELIEVE THAT THE PROPERTY SHOULD BE GRANDFATHERED WITH THE EXISTING 50 FEET OF FRONTAGE, WHICH IS USED FOR A DRIVEWAY FROM COURTESY PARKWAY TO THE (3) RESIDENCES.

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 PROPERTY WILL BE SURVEYED PER THE EXISTING LEGAL DESCRIPTION, LESS THE 40 FEET TAKEN AS A PUBLIC RIGHT OF WAY. THE BUILDING HAS REMAINED VACANT FOR AN ~~EXTENDED~~ EXTENDED PERIOD AND THE OWNER HAS A PURCHASE AGREEMENT TO IMPROVE

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 25.0 FEET IS THE EXACT AMOUNT NEEDED.

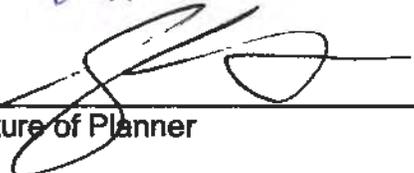
6. That the granting of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant Response:

THE VARIANCE REQUESTED IS TO LEGALLY BE ABLE TO HAVE AND HOLD THE PROPERTY IN THE SAME MANNER AS THE PREVIOUS 50 YEARS, WITH A 50.0 FOOT FRONTAGE.

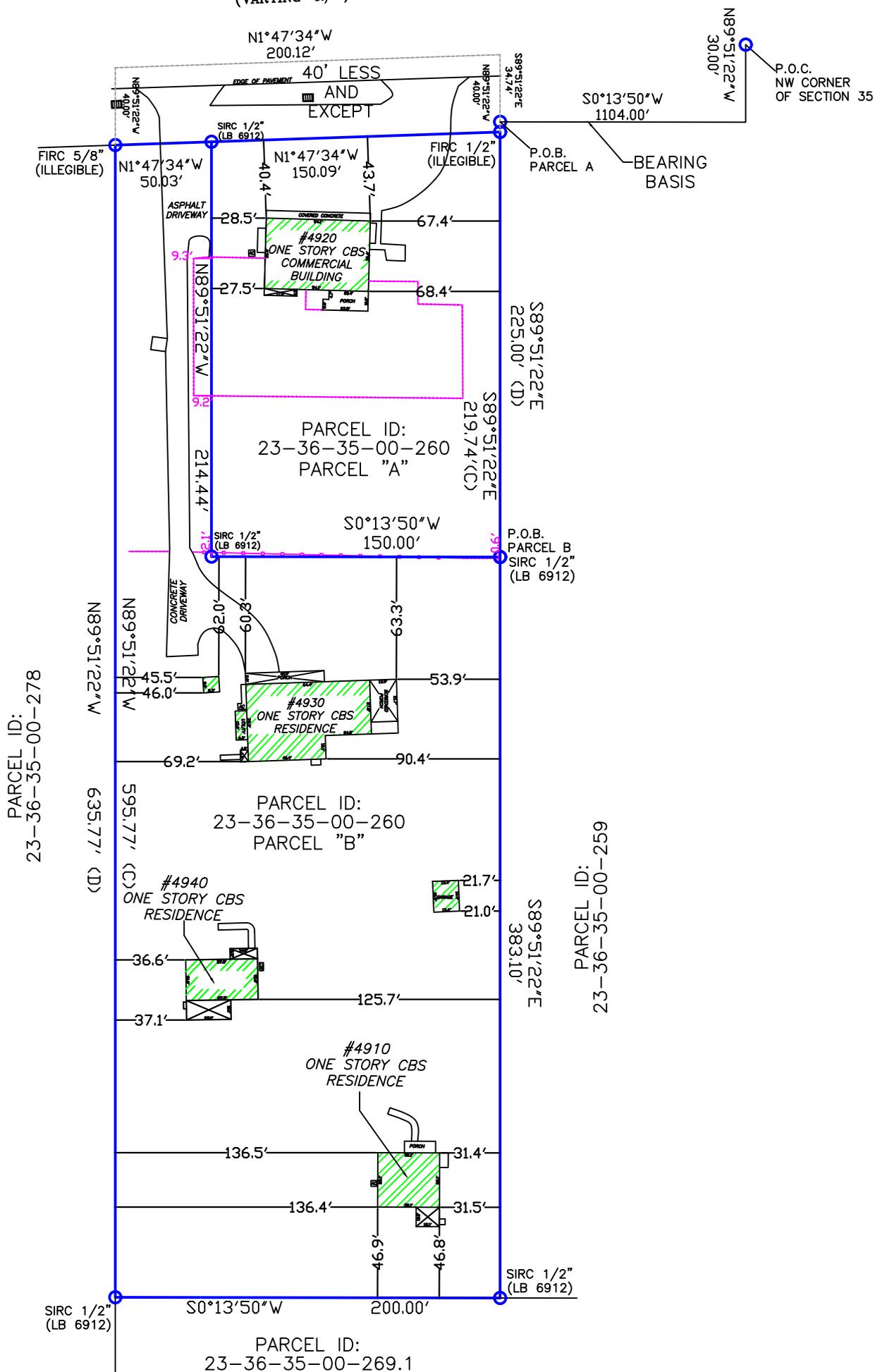
I fully understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by a Planning and Development representative. I am fully aware it is my responsibility to prove complete compliance with the aforementioned criteria.

  
\_\_\_\_\_  
Signature of Applicant

 12/1/2021  
\_\_\_\_\_  
Signature of Planner

MAP OF BOUNDARY SURVEY PREPARED FOR BRAD A. LANGE

VARYING WIDTH' ASPHALT ROADWAY  
N COURTENAY PARKWAY  
(VARYING' R/W)

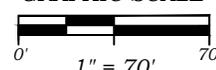


NOTES:

ALL BEARINGS AND DISTANCES SHOWN ARE RECORD AND MEASURED, UNLESS OTHERWISE SHOWN.  
BEARINGS ARE BASED UPON THE RECORD BEARING FOR THE EASTERLY RIGHT OF WAY LINE OF N COURTENAY PARKWAY.



NORTH ARROW &  
GRAPHIC SCALE



JOB # - 2111-105	REVISION -
FIELD DATE - 11/16/2021	REVISION -
DRAWN BY - D.B.	REVISION -
REVISION - REVISED POB'S 12.17.21	REVISION -
REVISION -	REVISION -
REVISION -	REVISION -

FLORIDA BUSINESS CERTIFICATE OF AUTHORIZATION NUMBER LB 6912

KNOW IT NOW, INC.

PROFESSIONAL SURVEYING AND MAPPING  
5220 US HIGHWAY 1, #104  
VERO BEACH, FL 32967  
PHONE - (888) 396-7770  
WWW.KINSURVEY.COM



**LEGAL DESCRIPTION:**

**PARCEL A:**  
A CERTAIN PARCEL OF LAND IN THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 35 AND THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 34, ALL IN TOWNSHIP 23 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT 30 EAST OF AND 1,104 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION 35 FOR A POINT OF BEGINNING, THENCE SOUTH 89°51'22" EAST, ON A LINE PARALLEL WITH AND 1,104 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 35, A DISTANCE OF 225.00 FEET TO A LINE THAT IS PARALLEL WITH THE WEST LINE OF SAID SECTION 35; THENCE RUN SOUTH 00°13'50" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 150.00 FEET TO A LINE THAT IS 1,254 FEET SOUTH OF, AND PARALLEL WITH, THE AFOREMENTIONED NORTH LINE OF SAID SECTION 35; THENCE RUN NORTH 89°51'22" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 254.44 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH COURTENAY PARKWAY; THENCE RUN NORTH 01°47'34" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 150.09 FEET TO A LINE THAT IS 1,104 FEET SOUTH OF AND PARALLEL WITH THE AFOREMENTIONED NORTH LINE OF SECTION 35; THENCE RUN SOUTH 89°51'22" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 34.74 FEET TO THE POINT OF BEGINNING. SAID PARCEL OF LAND CONTAINS 32,564 SQUARE FEET, MORE OR LESS.

**PARCEL B:**  
A CERTAIN PARCEL OF LAND IN THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 23 SOUTH, RANGE 36 EAST, BREVARD COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT 30 FEET EAST OF AND 1,104 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SECTION 35; THENCE SOUTH 89°05'22" EAST, ON A LINE PARALLEL WITH AND 1,104 FEET SOUTH OF THE NORTH LINE OF SAID SECTION 35, A DISTANCE OF 225.00 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE SOUTH 89°51'22" EAST, ALONG SAID PARALLEL LINE, 383.10 FEET TO A LINE THAT IS 638.10 FEET EAST OF, AND PARALLEL WITH, THE WEST LINE OF SAID SECTION 35; THENCE RUN SOUTH 00°13'50" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 200.00 FEET TO A LINE THAT IS 1,304 FEET SOUTH OF, AND PARALLEL WITH, THE AFOREMENTIONED NORTH LINE OF SAID SECTION 35, THENCE RUN NORTH 89°51'22" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 635.78 FEET TO THE EAST RIGHT-OF-WAY LINE OF NORTH COURTENAY PARKWAY; THENCE RUN NORTH 01°47'34" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 50.02 FEET TO A LINE THAT IS 1,254 FEET SOUTH OF AND PARALLEL WITH THE AFOREMENTIONED NORTH LINE OF THE SECTION 35; THENCE RUN SOUTH 89°51'22" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 254.44 FEET TO A LINE 255.00 FEET EAST OF, AND PARALLEL WITH, THE WEST LINE OF SAID SECTION 35; THENCE RUN NORTH 00°13'50" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING, SAID PARCEL OF LAND CONTAINS 2.005 ACRES MORE OR LESS.

LESS AND EXCEPT THE WEST 40' BY PERPENDICULAR MEASUREMENT OF BOTH PARCELS DESCRIBED ABOVE.

**JOB NUMBER:** 2111-105

**FIELD WORK DATE:** 11/16/2021

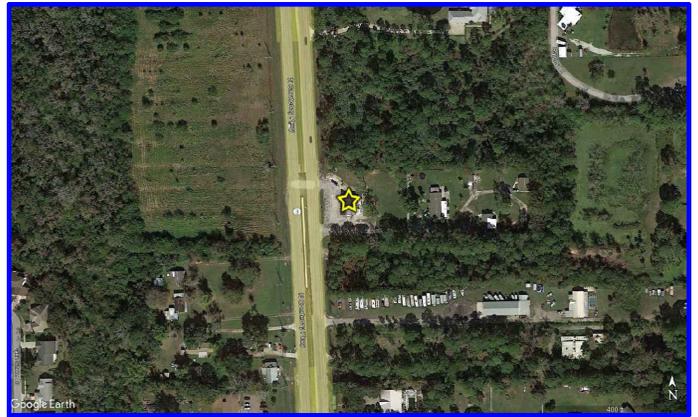
**PROPERTY ADDRESS:**

4910 NORTH COURTENAY PARKWAY, MERRITT ISLAND, FL 32953 AND  
4920 NORTH COURTENAY PARKWAY, MERRITT ISLAND, FL 32953 AND  
4930 NORTH COURTENAY PARKWAY, MERRITT ISLAND, FL 32953 AND  
4940 NORTH COURTENAY PARKWAY, MERRITT ISLAND, FL 32953 AND

**FLOOD INFORMATION:**

PANEL NUMBER: 12009C0329H  
FIRM DATE: JANUARY 29, 2021  
FLOOD ZONE: X  
BASE FLOOD ELEVATION: NA  
COMMUNITY NAME: BREVARD COUNTY  
COMMUNITY NUMBER: 125092

**AERIAL PHOTOGRAPH**



**SURVEYOR'S LEGEND**

A/C = AIR CONDITIONING  
BB = BEARING BASIS  
BFP = BACKFLOW PREVENTER  
BLDG = BUILDING  
BLK = BLOCK  
BM = BENCHMARK  
C = CURVE  
CATV = CABLE T.V. RISER  
CB = CATCH BASIN  
CL = CENTERLINE  
CLF = CHAIN LINK FENCE  
CLP = CONCRETE LIGHT POLE  
CONC = CONCRETE  
CP = CONTROL POINT  
CPP = CONCRETE POWER POLE  
D = DEED  
DF = DRAINFIELD  
ELEV = ELEVATION  
EM = ELECTRIC METER  
EOW = EDGE OF WATER  
EP = EDGE OF PAVEMENT  
F = FIELD  
FCM = FOUND CONCRETE MONUMENT  
FDH = FOUND DRILL HOLE

FFE = FINISHED FLOOR ELEVATION  
FIP = FOUND IRON PIPE  
FIPC = FOUND IRON PIPE AND CAP  
FIR = FOUND IRON ROD  
FIRC = FOUND IRON ROD AND CAP  
FN = FOUND NAIL  
FN&D = FOUND NAIL AND DISC  
FND = FOUND  
FPK = FOUND PK NAIL  
FPKD = FOUND PK NAIL AND DISC  
FRRSFK = FOUND RAILROAD SPIKE  
GAR = GARAGE  
HYD = FIRE HYDRANT  
ID = IDENTIFICATION  
L = LENGTH  
LB # = LICENSED BUSINESS  
LS # = LICENSED SURVEYOR  
M = MEARSURED  
MB = MAP BOOK  
MES = MITERED END SECTION  
MH = MANHOLE  
MLP = METAL LIGHT POLE  
OHW = OVERHEAD WIRES  
P = PLAT  
PB = PLAT BOOK  
PC = POINT OF CURVATURE

PCC = POINT OF COMPOUND CURVATURE  
PCP = PERMANENT CONTROL POINT  
POB = POINT OF BEGINNING  
POC = POINT OF COMMENCEMENT  
PP = POOL PUMP  
PRC = POINT OF REVERSE CURVATURE  
PRM = PERMANENT REFERENCE MONUMENT  
PT = POINT OF TANGENCY  
R = RADIUS  
RNG = RANGE  
R/W = RIGHT OF WAY  
S = SEPTIC  
SEC = SECTION  
SIR = SET IRON ROD AND CAP  
SPKD = SET PK NAIL AND DISC  
SV = SEWER VALVE  
TBM = TEMPORARY BENCHMARK  
TOB = TOP OF BANK  
TWP = TOWNSHIP  
TR = TELEPHONE RISER  
TYP = TYPICAL  
WIT = WITNESS  
WLP = WOOD LIGHT POLE  
WM = WATER METER  
WPP = WOOD POWER POLE  
WV = WATER VALVE

**LINETYPES**

— = BOUNDARY LINE  
— = STRUCTURE LINE  
- - - - - = CENTERLINE  
- - - - - = EASEMENT LINE  
- - - - - = FENCE LINE  
- - - - - = OLD LOT LINE

**SYMBOLS**

⊙ = FIRE HYDRANT  
⊗ = WATER METER  
⊗ = POWER POLE  
⊗ = GAS SERVICE  
⊙ = LIGHT POLE  
⊗ = WELL  
⊕ = BENCHMARK  
⊞ = CATCH BASIN  
⊞ = SANITARY MANHOLE  
⊞ = CABLE T.V. SERVICE  
⊞ = ELECTRIC SERVICE  
⊞ = TELEPHONE SERVICE  
⊞ = DRAINAGE MANHOLE  
⊞ = SANITARY SERVICE

**SURVEYOR'S NOTES**

1. THIS SURVEY DOES NOT DETERMINE OR INDICATE LAND OWNERSHIP.
2. THE SURVEYOR DID NOT RESEARCH OR ABSTRACT THE LAND RECORDS FOR RIGHTS-OF-WAY, EASEMENTS, RESERVATIONS, DEED RESTRICTIONS, ZONING REGULATIONS, SETBACKS, LAND USE PLAN DESIGNATIONS, ADJOINING DEEDS, LIENS, MURPHY ACT RIGHTS-OF-WAY, AREAS OF LOCAL CONCERN, OR OTHER SIMILAR JURISDICTIONAL DETERMINATIONS. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF INFORMATION PROVIDED BY THE CLIENT OR INFORMATION OTHERWISE KNOWN TO THE SURVEYOR AND MAY NOT BE COMPLETE.
3. UNDERGROUND UTILITIES, BUILDING FOUNDATIONS, AND OTHER UNDERGROUND FIXED IMPROVEMENTS WERE NOT LOCATED, UNLESS OTHERWISE INDICATED. TO THE EXTENT THAT THIS TYPE OF INFORMATION IS SHOWN, IT IS SHOWN SOLELY ON THE BASIS OF SURFACE INDICATIONS OBSERVED BY THE SURVEYOR AND MAY NOT BE COMPLETE.
4. JURISDICTIONAL WETLANDS AND ENDANGERED OR THREATENED SPECIES HABITAT, IF ANY, THAT MAY EXIST ON OR AROUND THE SURVEY SITE WERE NOT DETERMINED OR LOCATED.
5. THE SURVEY DATE IS THE FIELD DATE SHOWN IN THE TITLE BLOCK, NOT THE SIGNATURE DATE.
6. THIS SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ELECTRONIC OR ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. FENCES SHOWN ON SURVEY ARE FOR ILLUSTRATIVE PURPOSES ONLY. FENCE TIES SHOWN ARE RELATIVE TO THE CENTER OF SAID FENCE. THE SURVEYOR WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL AND/OR CHANGES TO ANY FENCES UNLESS THE SURVEY WAS PROVIDED SPECIFICALLY FOR FENCE LOCATION PURPOSES.
8. PROPERTY LINES AND OR IMPROVEMENTS SHOWN WERE PHYSICALLY LOCATED BY FIELD SURVEY.
9. MONUMENTS FOUND OR SET ARE SHOWN, CALCULATED LINES AND INFORMATION IS NOTED BY (C).
10. COMPUTATIONS OF LINES AND OR DATA NOT FOUND ARE SHOWN AS (C).
11. THIS SURVEY MEETS AND/OR EXCEEDS THE ACCURACY REQUIREMENTS PER FLORIDA ADMINISTRATIVE CODE, CHAPTER 5J-17.
12. PRIOR TO SURVEY INFORMATION OBTAINED WAS LEGAL DESCRIPTION FROM CLIENT OR FROM PUBLICLY PUBLISHED COUNTY TAX COLLECTOR SITE, RECORDED PLATS AND OR SECTION CORNER RECORDS IF APPLICABLE.
13. IF ONLY A DIGITAL SURVEY COPY IS REQUIRED A SURVEY REPORT WILL BE PLACED IN FILE. THE DIGITAL SURVEY IS NOT FULL AND COMPLETE WITHOUT THE SURVEY REPORT FILE.

**SURVEYOR'S SIGNATURE**

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR BELOW. THE SURVEYOR HEREBY CERTIFIES THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES SET FORTH IN CHAPTER 5J-17.062 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.025, FLORIDA STATUTES. THE SURVEYOR HEREBY CERTIFIES THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYS, SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051 AND 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

**CERTIFIED TO:**

BRAD A. LANGE

\_\_\_\_\_  
BILL HYATT  
SURVEYOR AND MAPPER # 4636  
STATE OF FLORIDA

\_\_\_\_\_  
DATE

**KNOW IT NOW, INC.**  
PROFESSIONAL SURVEYING AND MAPPING  
5220 US HIGHWAY 1, # 104  
VERO BEACH, FL 32967  
PHONE - (888) 396-7770  
WWW.KINSURVEY.COM

