



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

H.1.

1/19/2022

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

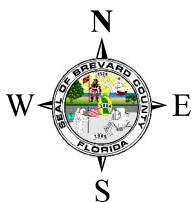
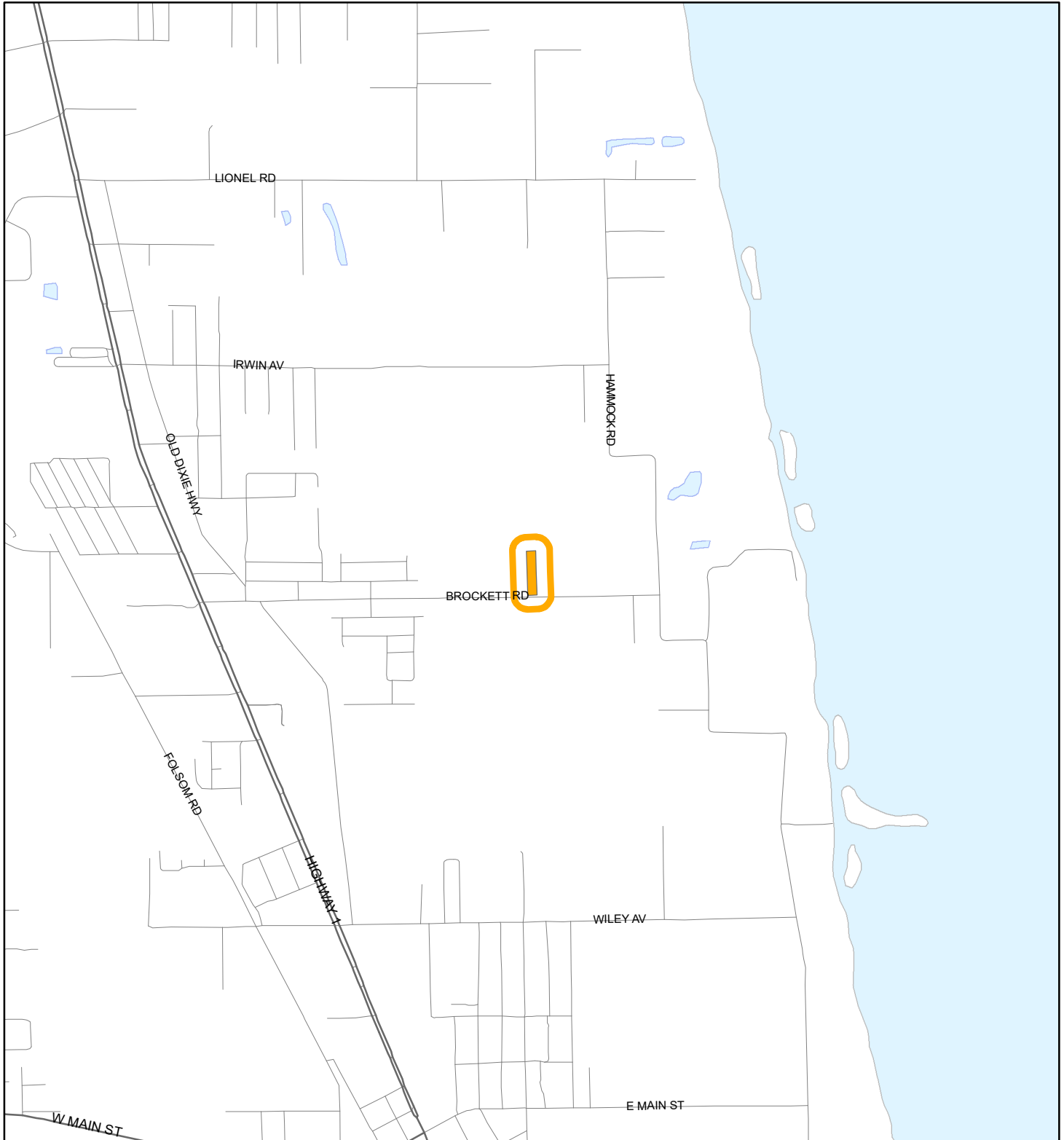
The following item was tabled from the December 15, 2021, BOA meeting.

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

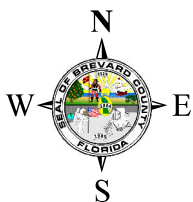
Buffer Distance: 200 feet

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 built a pair of outbuildings; 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.

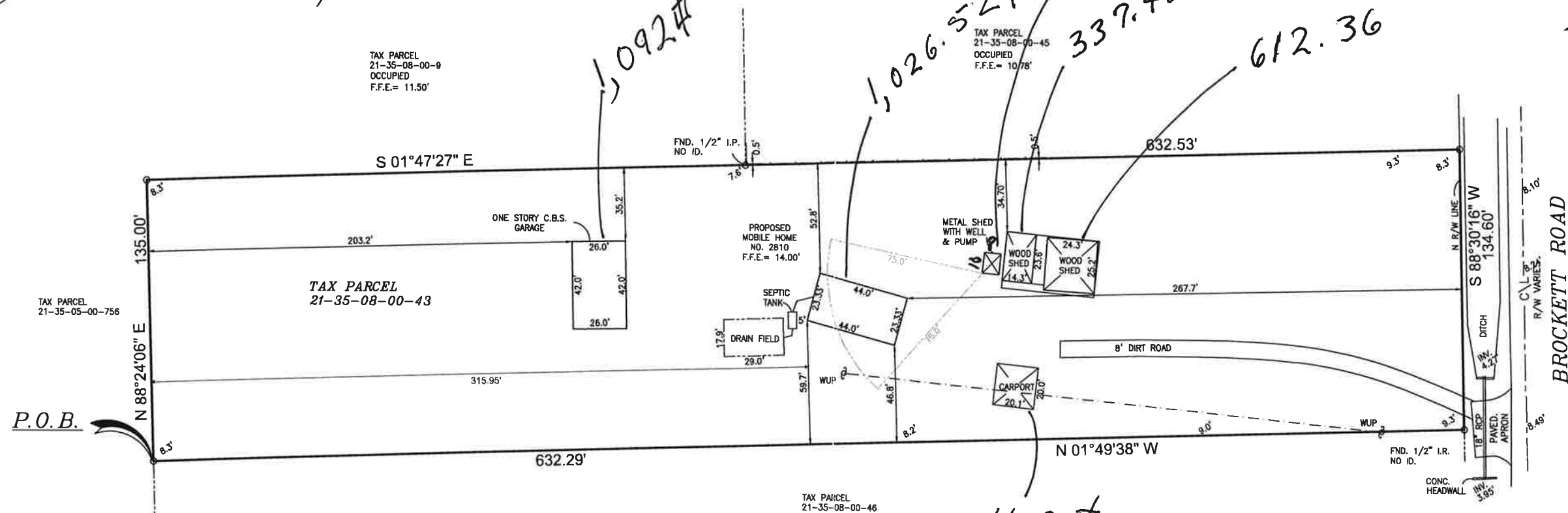
(5) *That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure:* Should the applicant be allowed to keep the structures her husband built, according to a permit, she can get a brand new home dropped on the pad currently occupied by 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
2,523.84 Total

2823.84
-1026.52
1,497.32 #



P.O.C.
NW 1/4 NW 1/4 OF
NE 1/4 OF
SEC. 8, 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.V.)=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:

- 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.
- The bearings shown are based on an Assumed North Meridian, Being S 88° 30' 16" W along the North R/W line of Brockett Road.
- This is Real Property being situated in Section 8, Township 21S, Range 35E.
- The Surveyor has not abstracted the property. Only platted or furnished easements or encumbrances that may affect the property are shown.
- Underground improvements are not located unless requested.
- 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

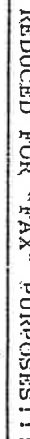
REVISIONS	
DATE	DESCRIPTION

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.B. 6946

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

Digitally signed by Eric Nielsen
Date: 2021.04.22 12:41:09
-04'00'
Signature Date:
Certified By:
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.



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



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.2.

1/19/2022

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:



Planning and Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Board of Adjustment Members

FROM: Jeffrey Ball, AICP, Planning and Zoning Manager

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

DATE: January 3, 2022

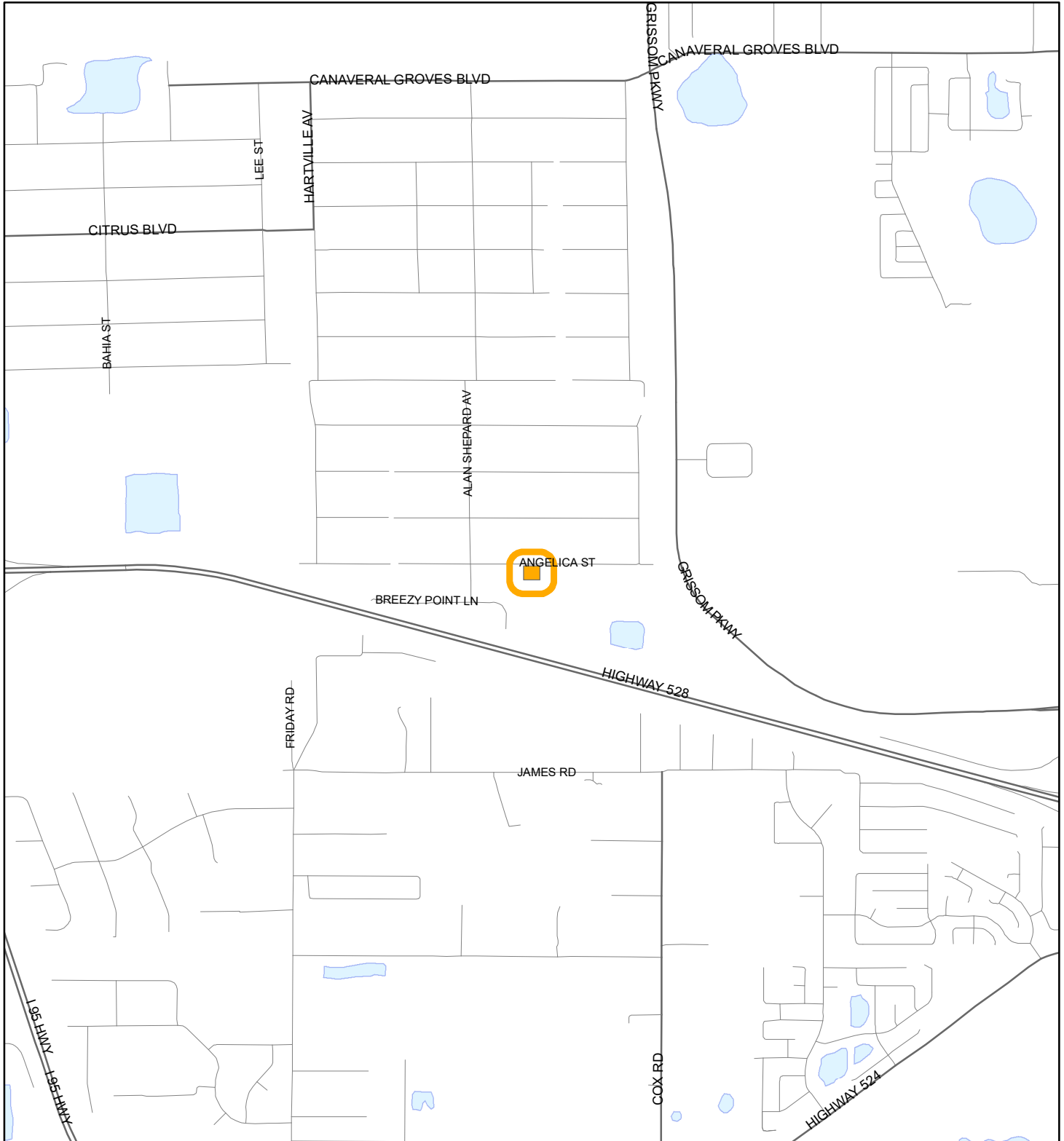
2. (21PZ00087) (District 1) Lance C. Boncek requests a variance from Chapter 62, Article VI, Brevard County Code, Section 62-1334(4) to permit a variance of 1.42 acres from the required 2.5-acre minimum lot size, in an AU(L) (Agricultural Residential) zoning classification, the property is currently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

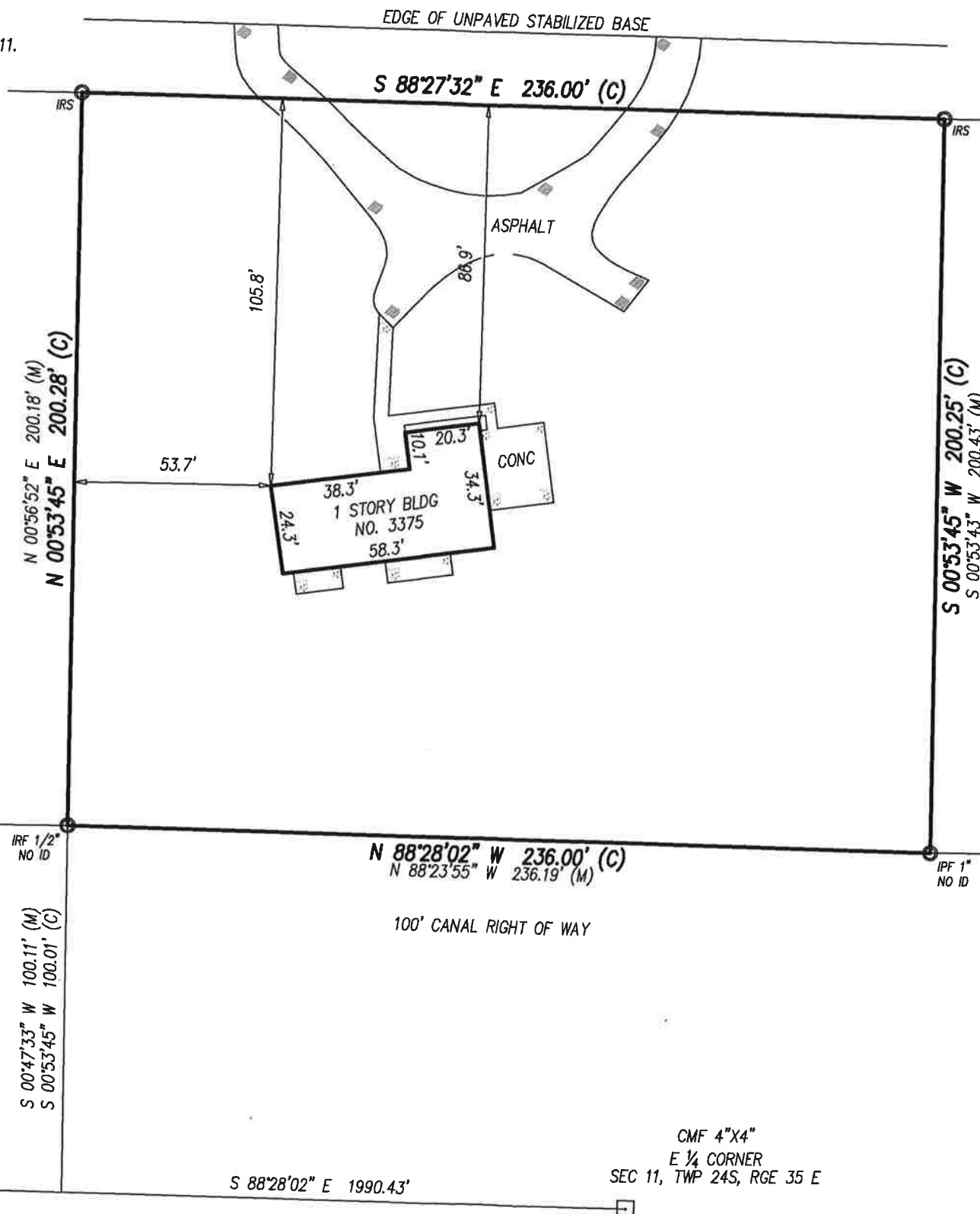
4"x4" CMF
NW CORNER
SEC 11, TWP 24S, RGE 35 E

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



ANGELICA STREET
(60' INGRESS & EGRESS EASEMENT)

EDGE OF UNPAVED STABILIZED BASE

S 88°27'32" E 236.00' (C)

ASPHALT

CONC

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

100' CANAL RIGHT OF WAY

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

S 88°28'02" E 1990.43'

NORTH

LOT 7 BLOCK 6

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

DRAWN BY: AEG

SCALE 1 INCH = 40 FEET



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

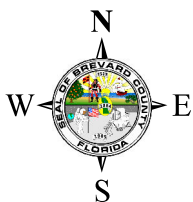
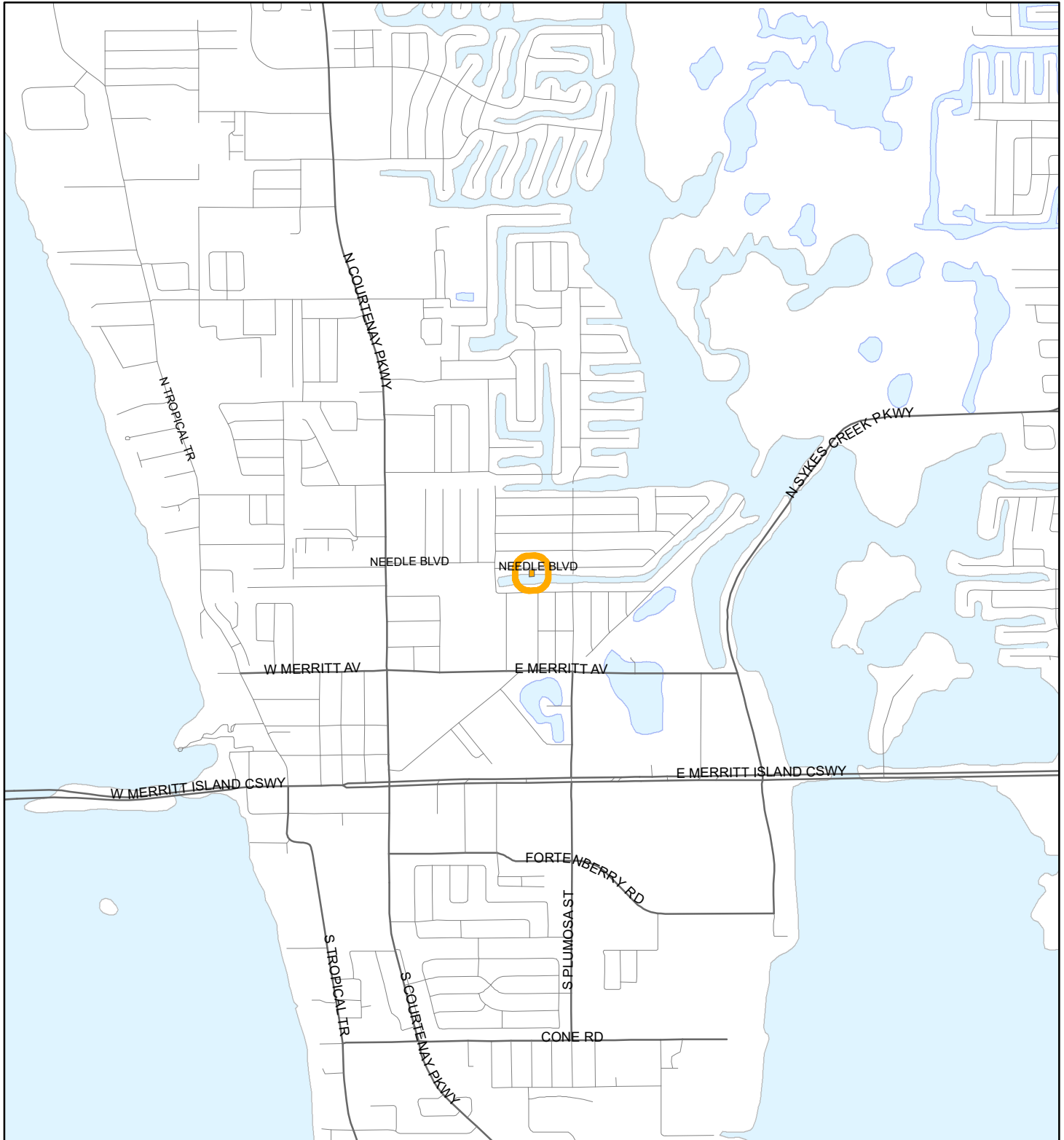
3. (21PZ00088) (District 2) Jeannette L. Knight requests variances from Chapter 62, Article VI, Brevard County Code, 1) Section 62-1341(5)(a) to permit a variance of 7.0 feet from the required 20.0-foot rear setback for a principle structure; 2) Section 62-1341(5)(a) to permit a variance of 2.1 feet 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.

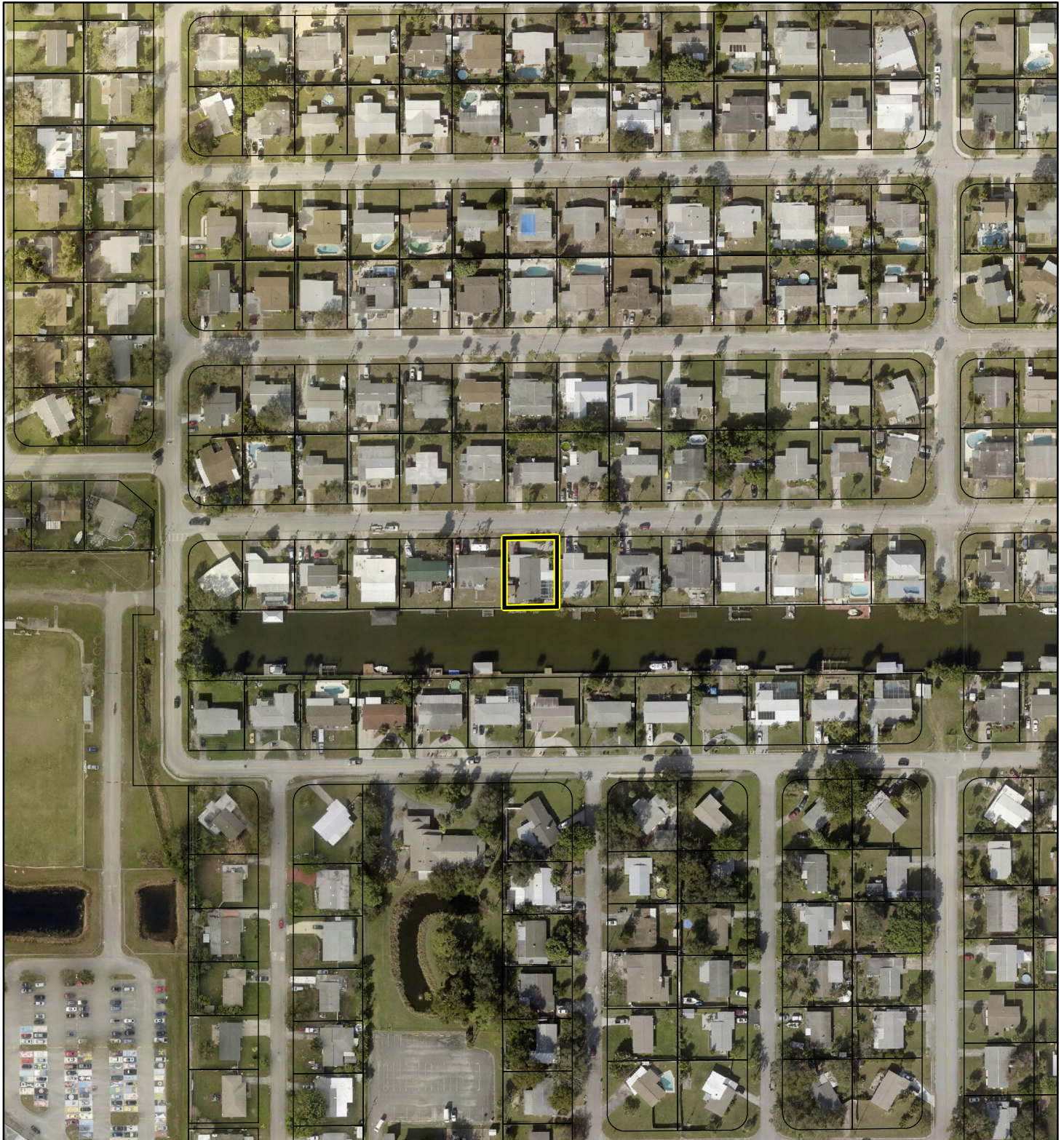
Produced by BoCC - GIS Date: 12/13/2021

 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

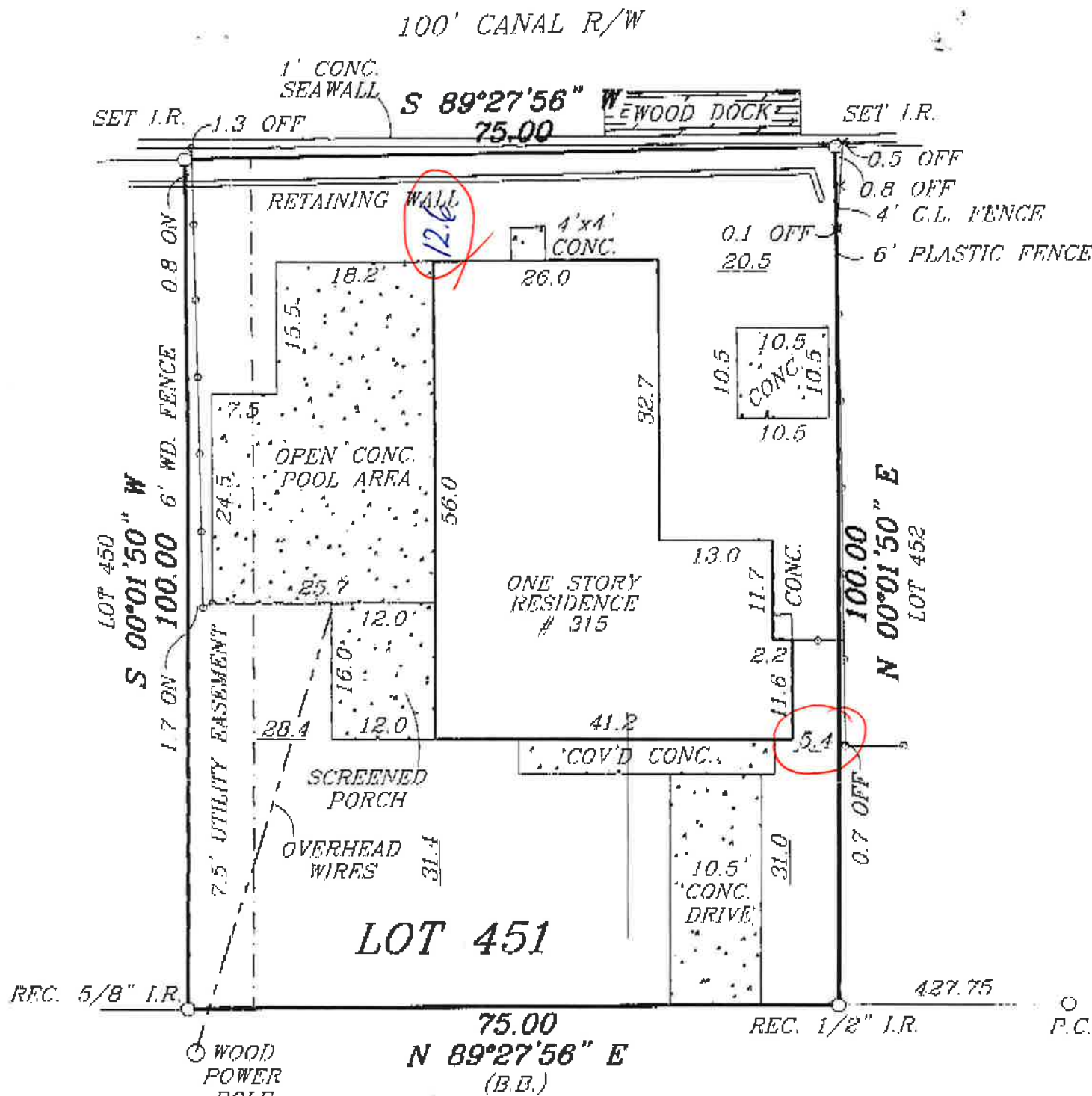
Jannette L. Knight

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

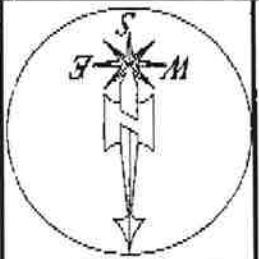
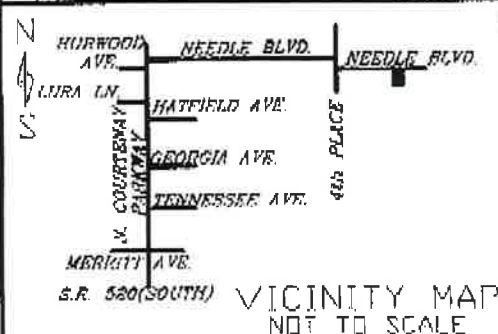
DESCRIPTION AS FOLLOWS: Lot 451, HAMPTON HOMES, UNIT 7, as recorded in Plat Book 14,
Pages 63, Public Records of Brevard County, Florida.



NEEDLE BOULEVARD

50' PAVED PUBLIC R/W

WALKER LAND SURVEYING, INC.



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

- 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\"
 - 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.

LEGEND

P.T.	POINT OF TANGENCY	P	PLAT
D	DESCRIPTION	F	FIELD
B.D.	BASE BEARING (SEE 18)	I.R.	IRON PIPE
A/C	ADJ. CONDITION	I.R.	IRON ROD
R	RADIUS	C.M.	CONCRETE MONUMENT
L	ARC LENGTH	SET 18	5/8\"

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

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: 3-17-14

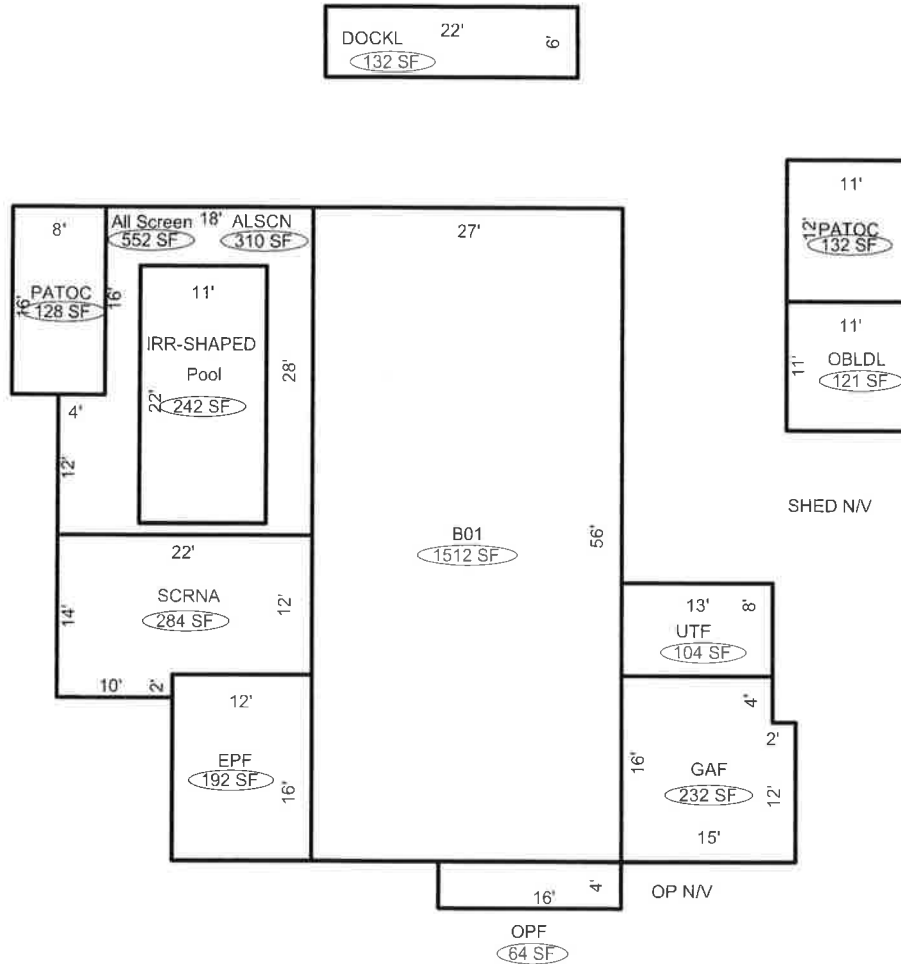
SCALE 1\"	
FIELD DATE	ORDER NO. (DWG. NO.)
BOUNDARY 00-00-00	51249
DRAWN BY: <u>Z.A.#</u>	CHECKED BY:

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	132.0	46.0	260.0
	Patio	1.0	128.0	48.0	242.0
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

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

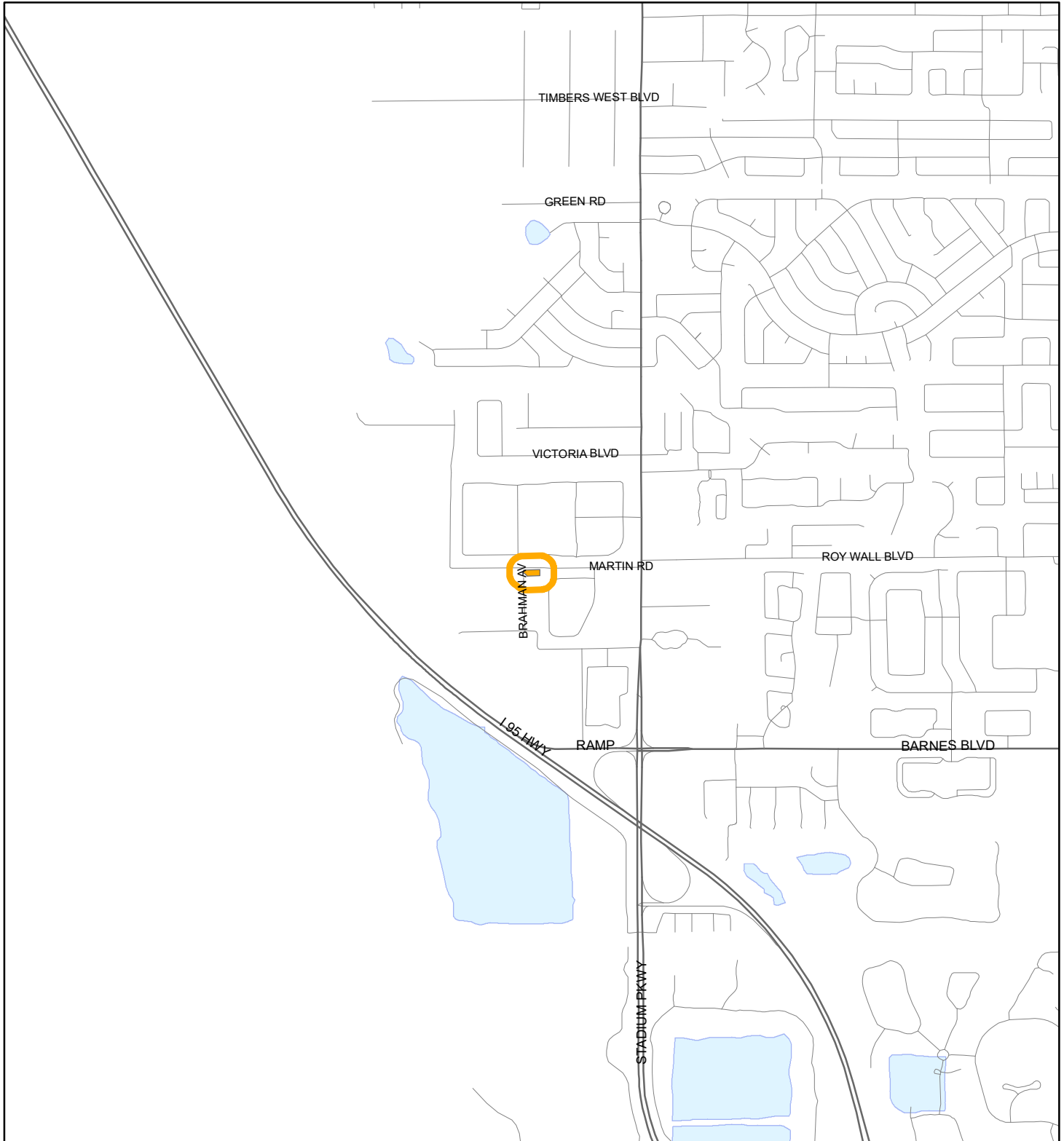
DATE: January 3, 2022

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.

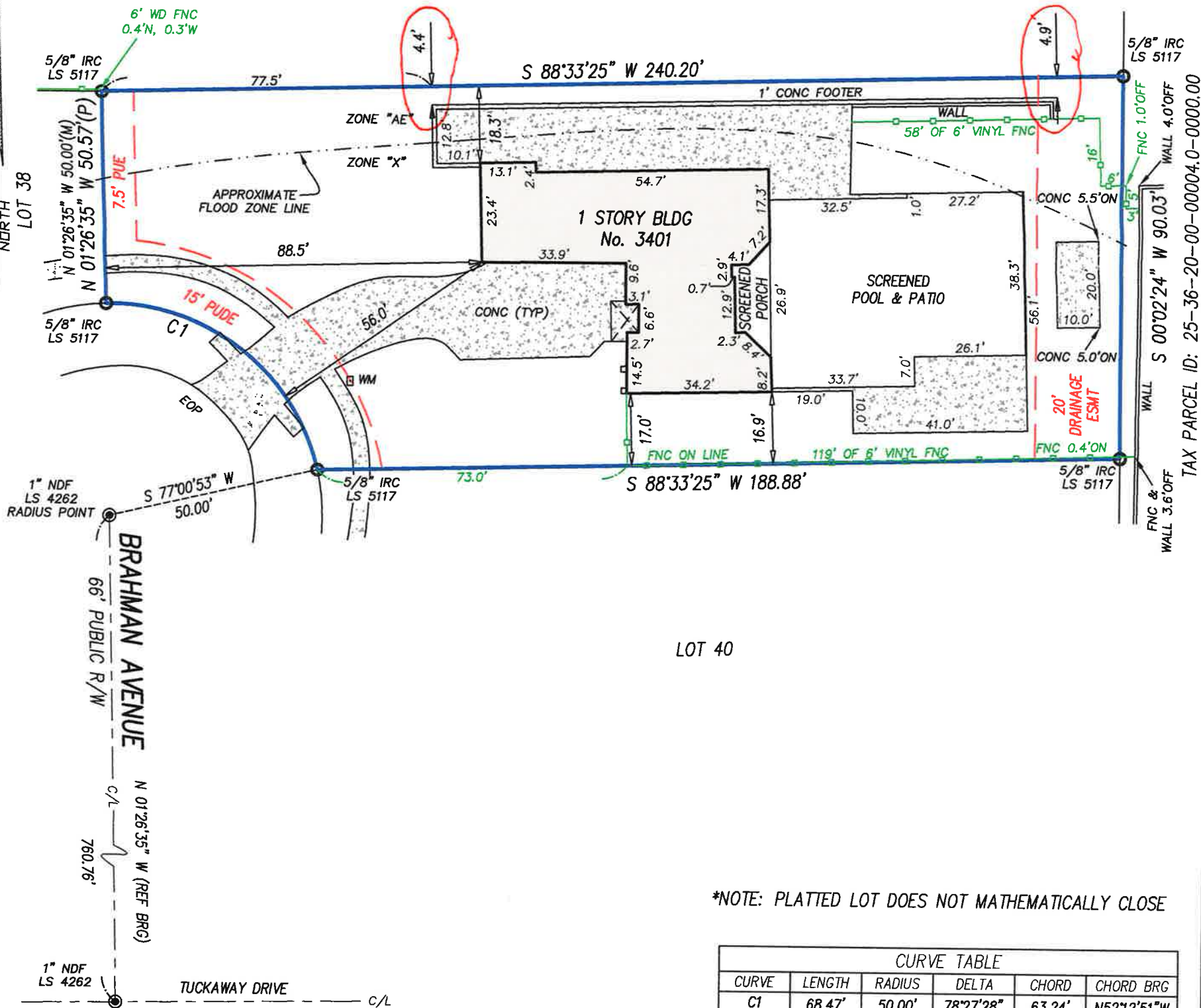
Anna C. Kokenberger
Signature of Applicant

Paul Body
Signature of Planner

MAP OF BOUNDARY SURVEY

TRACT "A"

*CITY WATER AVAILABLE TO LOT



LOT 40

*NOTE: PLATTED LOT DOES NOT MATHEMATICALLY CLOSE

LEGEND

A = ARC
A/C = AIR CONDITIONER
BFE = BASE FLOOD ELEVATION
BLDG = BUILDING
BLK = BLOCK
BM = BENCHMARK
BRG = BEARING
(C) = CALCULATED
CATV = CABLE TELEVISION
CBS = CONCRETE BLOCK STRUCTURE
CHD = CHORD
C/L = CENTERLINE
CLF = CHAIN LINK FENCE
CMF = CONCRETE MONUMENT FOUND
CMP = CORRUGATED METAL PIPE
CONC = CONCRETE
COR = CORNER
(D) = DEED
DB = DEED BOOK
DHF = DRILL HOLE FOUND
ELEC = ELECTRIC
ELEV = ELEVATION
ENC = ENCROACHMENT
EOP = EDGE OF PAVEMENT
ESMT = EASEMENT
FB = FIELD BOOK

FEMA = FEDERAL EMERGENCY MANAGEMENT AGENCY
FF = FINISHED FLOOR
FNC = FENCE
FND = FOUND
FP&L = FLORIDA POWER & LIGHT COMPANY
ID = IDENTIFICATION
IPF = IRON PIPE FOUND
IRC = IRON ROD & CAP FOUND
IRF = IRON ROD FOUND
IRS = 5/8" IRON ROD SET "LB 7838"
LB = LICENSED BUSINESS NUMBER
LS = (RLS) or (PLS) REGISTERED OR PROFESSIONAL LAND SURVEYOR
(M) = MEASURED
NAVD = NORTH AMERICAN VERTICAL DATUM
NDF = NAIL & DISK FOUND
NDS = 1 1/4" NAIL & DISK SET "LB 7838"
NGVD = NATIONAL GEODETIC VERTICAL DATUM
No. = NUMBER
O/H = OVERHEAD
ORB = OFFICIAL RECORDS BOOK
O/S = OFFSET
(P) = PLAT
PB = PLAT BOOK

PC = POINT OF CURVATURE
PCC = POINT OF COMPOUND CURVATURE
PCP = PERMANENT CONTROL POINT
PI = POINT OF INTERSECTION
PLS = PROFESSIONAL LAND SURVEYOR
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PRC = POINT OF REVERSE CURVATURE
PRM = PERMANENT REFERENCE MONUMENT
PSM = PROFESSIONAL SURVEYOR AND MAPPER
PT = POINT OF TANGENCY
PUDE = PUBLIC UTILITY & DRAINAGE EASEMENT
PUE = PUBLIC UTILITY EASEMENT
R = RADIUS
REF = REFERENCE
RNG = RANGE
R/W = RIGHT OF WAY
SEC = SECTION
SFHA = SPECIAL FLOOD HAZARD AREAS
TEL = TELEPHONE RISER
TWP = TOWNSHIP
TYP = TYPICAL
UP = UTILITY POLE
WD = WOOD
WIT-COR = 5/8" IRON ROD SET WITH CAP "WITNESS LB 7838"
WM = WATER METER
XCF = CROSS CUT FOUND

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.

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

DATE: 11/10/21

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

H.5.

1/19/2022

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:



Planning and Development Department

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Board of Adjustment Members

FROM: Jeffrey Ball, AICP, Planning and Zoning Manager

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

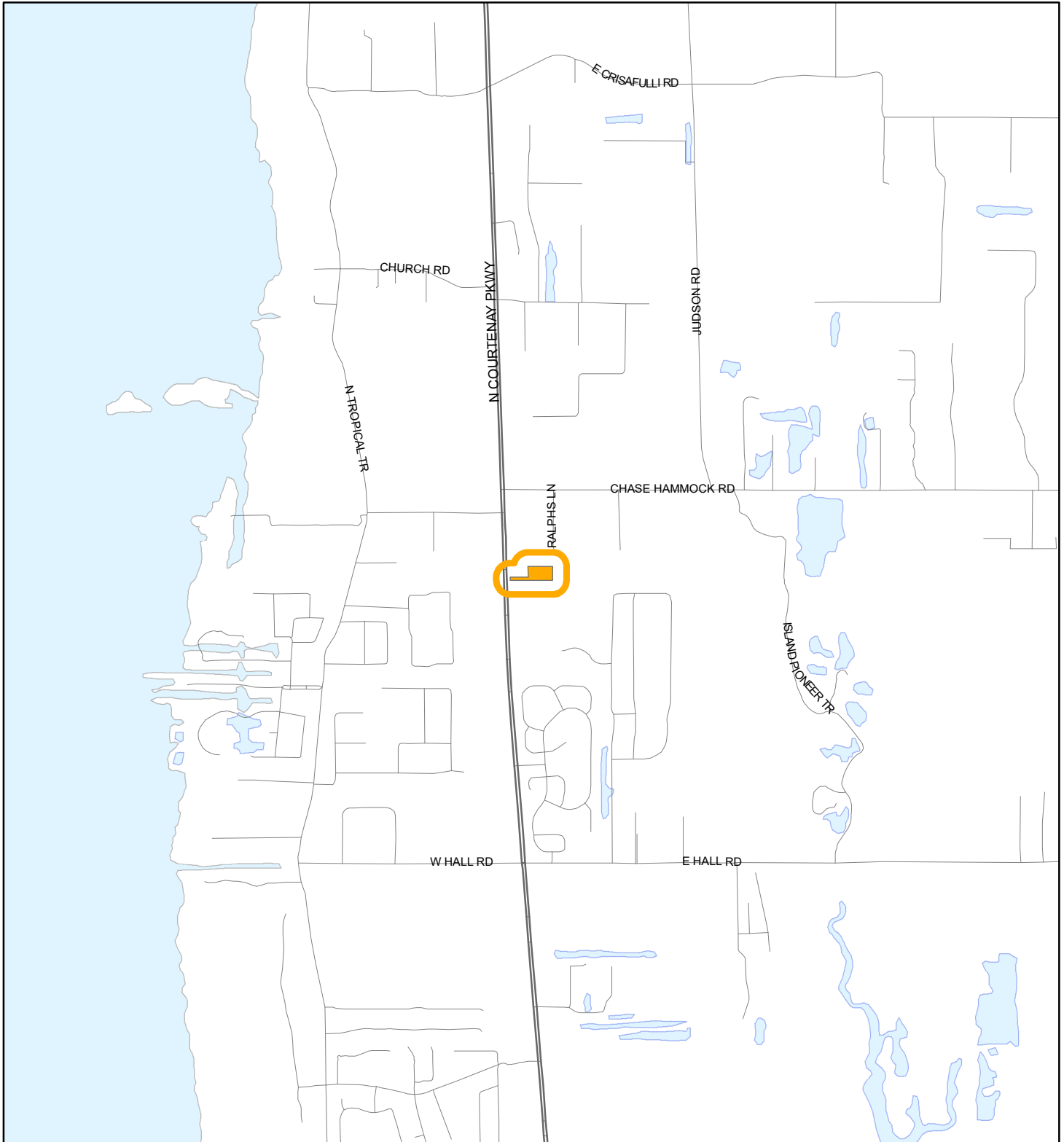
DATE: January 3, 2022

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 BU-4 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.

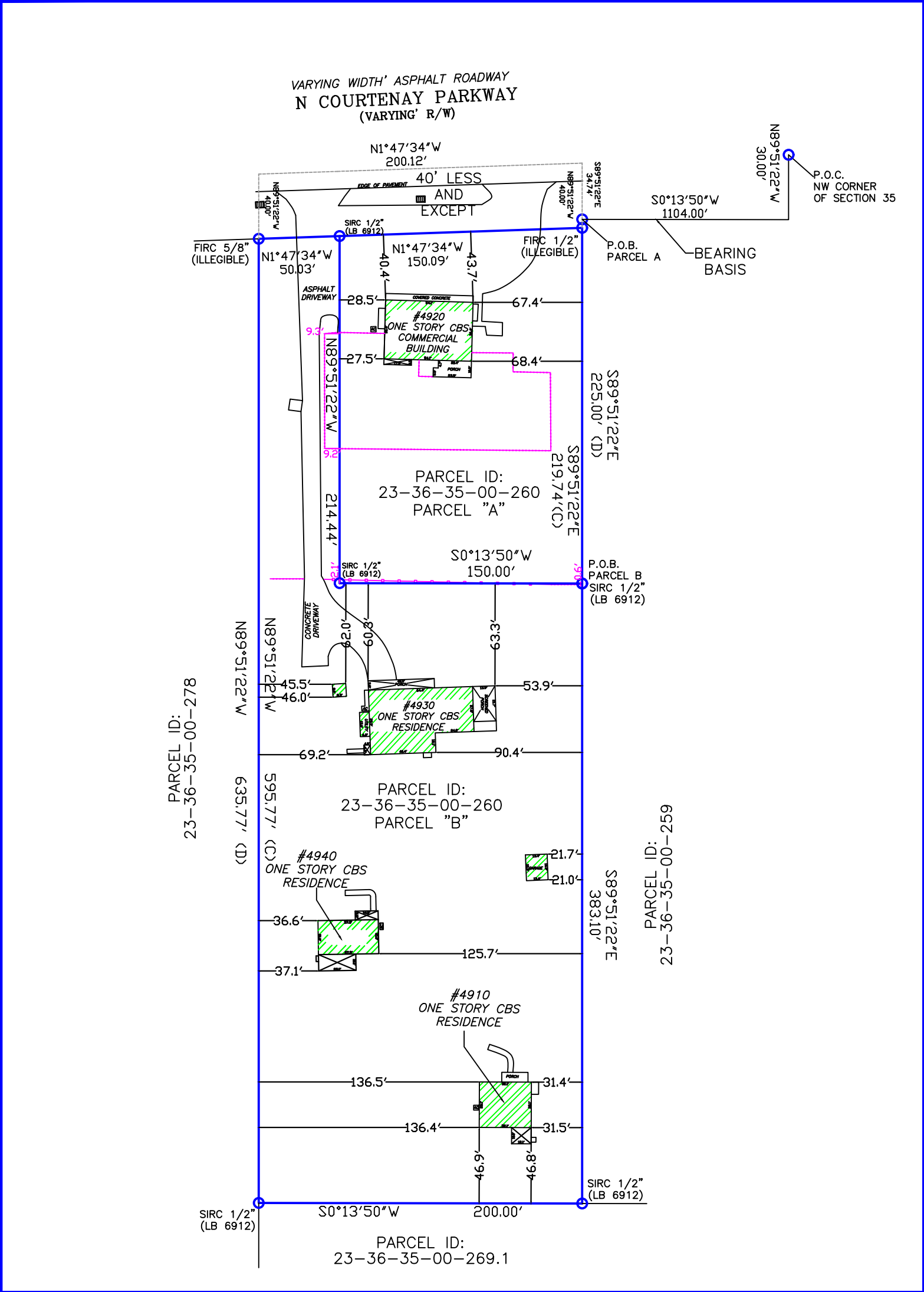


Signature of Applicant

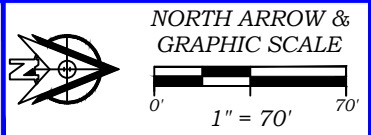


Signature of Planner

12/1/2021



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.



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	

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