



Board of Adjustment  
Brevard County Government Center  
2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida  
Agenda  
Wednesday, June 15, 2022

**Call To Order**

**Approval of Minutes - April 20, 2022**

**H. Public Hearings**

- H.1.** Michael John Consolazio and Sonya Lynn Consolazio (Randy Lund) request a variance for an accessory structure in an RVP zoning classification. (22V00004) (Tax Account 2111976) (District 1)
- H.2.** Robert J. Woodhouse requests a variance from the required minimum lot size in an AU zoning classification, currently in a GU zoning classification. (22V00006) (Tax Account 2441057) Per staff, this item should be removed from the agenda. (District 1)
- H.3.** Nicholas P. Riippa (Holly Tanner) requests a variance for a principal structure in an EU-2 zoning classification. (22V00007) (Tax Account 2716864)
- H.4.** Jessica L. and Derrick Comparato request a variance for fence height in an EU zoning classification. (22V00008) (Tax Account 2511327) (District 2)
- H.5.** Andrew and Iryna Afong request variances to a principal structure and an accessory structure in an RU-1-13 zoning classification. (22V00010) (Tax Account 2507778) (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 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.

6/15/2022

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### **Subject:**

Michael John Consolazio and Sonya Lynn Consolazio (Randy Lund) request a variance for an accessory structure in an RVP zoning classification. (22V00004) (Tax Account 2111976) (District 1)

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the Board of Adjustment conduct a public hearing to consider a variance for an accessory structure in an RVP (Recreational Vehicle Park) zoning classification.

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

Michael John Consolazio and Sonya Lynn Consolazio (Randy Lund) request a variance from Chapter 62, Article VI, Brevard County Code, Section 62-1406(7)(c)(3), to permit a variance of 6.3 feet from the required 10-ft. rear setback for an accessory structure, in an RVP (Recreational Vehicle Park) zoning classification. The property is 0.11 acres, located on the south side of Willow Lakes Lane, approx. 495 ft. east of U.S. Highway 1, Mims. (2833 Willow Lakes Lane #292, Titusville)

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

None



BOARD OF COUNTY COMMISSIONERS

## Inter-Office Memo

TO: Board of Adjustment Members

FROM: Jeffrey Ball, AICP, Planning & Zoning Manager

SUBJECT: Variance Staff Comments for Wednesday, May 18, 2022

### DISTRICT 1

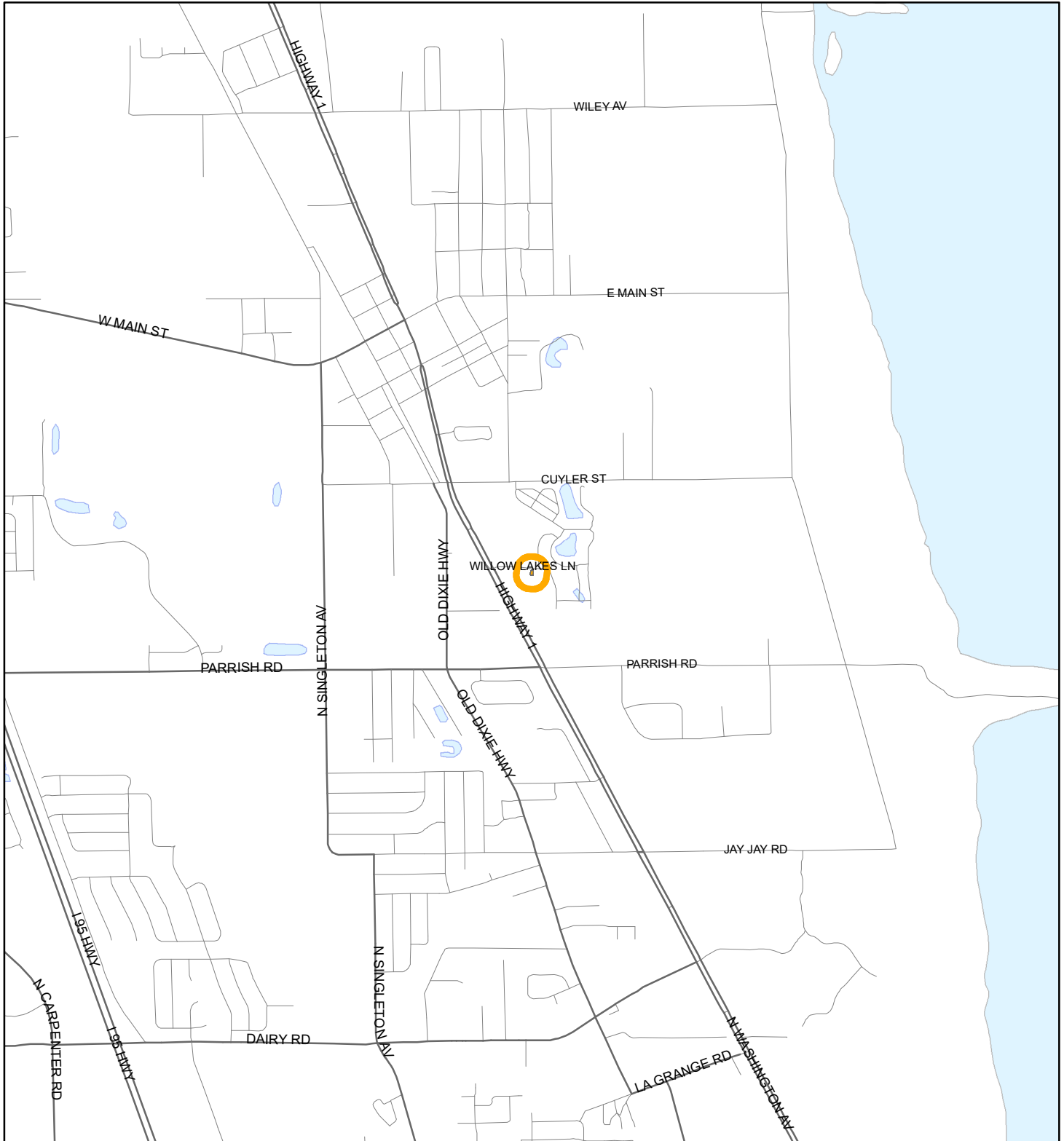
**1. (22V00004) Michael John Consolazio and Sonya Lynn Consolazio** (Randy Lund) request a variance from Chapter 62, Article VI, Brevard County Code, Section 62-1406(7)(c)(3), to permit a variance of 6.3 feet from the required 10-ft. rear setback for an accessory structure, in an RVP (Recreational Vehicle Park) zoning classification.

The applicant requests a variance of 6.3 feet from the required 10-foot rear setback to add a screen porch under permit # 21BC07099. The applicant states that the original foundation was installed approximately 15" encroaching into the rear 10' setback, causing the screen porch to be located 3.7 feet from the rear property line. The request equates to a 63% deviation of what the code allows. There have been no other variances to the rear setback requirements for appurtenances and accessory structures approved 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 provided by the applicant.



# LOCATION MAP

CONSOLAZIO, MICHAEL JOHN AND SONYA LYNN  
22V00004





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

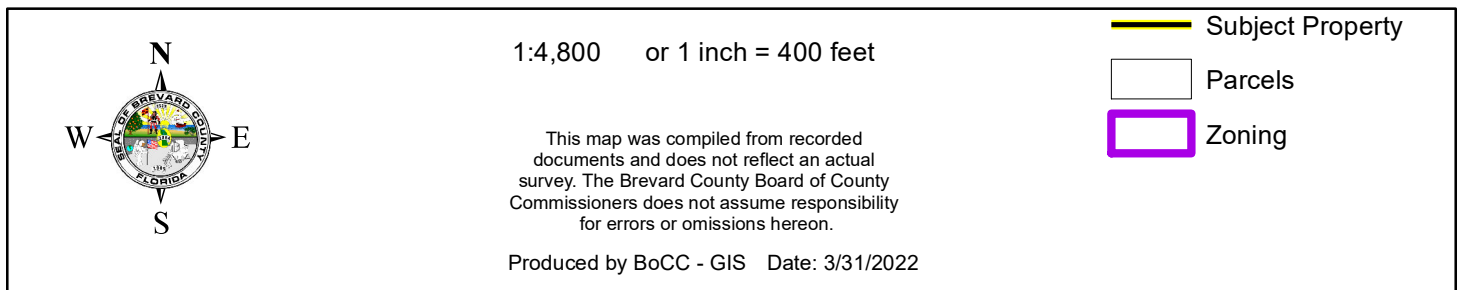
Buffer Distance: 200 feet

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

Produced by BoCC - GIS Date: 3/31/2022

 Buffer  
 Subject Property

CONSOLAZIO, MICHAEL JOHN AND SONYA LYNN  
22V00004





# AERIAL MAP

CONSOLAZIO, MICHAEL JOHN AND SONYA LYNN

22V00004




1:600 or 1 inch = 50 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: 3/31/2022

 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:

*This building was built 8.7' from Rear Property line and was intended to be 10' from Rear Property line. Porch was intended to be 5' but ended up 3.7'*

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

*The crew installing the Foundation mistakenly had the Rear of the house about 15" to far Back*

(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 only Property affected by this is to the Rear and is a Golf cart Path about 15 ft away from the Porch and behind that is Wetlands*

(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:

It would be impossible to move the house and removing the porch would ruin the owner's use of the remote location

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

Variance would allow the porch to be 3.7 ft from rear property line

(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:

There would be zero impact on any area or other homeowners

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

*Handy Lund*

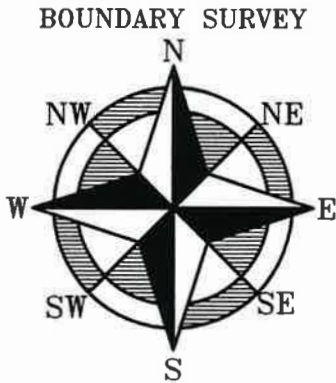
Signature of planner

*[Signature]* 3/15/2022

SKETCH OF SURVEY

LEGAL DESCRIPTION:

UNIT 292, WILLOW LAKES RV RESORT, PHASE II-A, A CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF, RECORDED IN OFFICIAL RECORDS BOOK 4092, PAGES 1475-1528, INCLUSIVE, TOGETHER AND WITH ANY AMENDMENTS THERETO, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.



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

LEGEND:

A/C = AIR CONDITIONER  
A.K.A. = ALSO KNOWN AS  
ALUM = ALUMINUM  
AVE = AVENUE  
BLK = BLOCK  
BLVD = BOULEVARD  
BM = BENCHMARK  
(CALC) = CALCULATED  
CB = CHORD BEARING  
C.B.S. = CONCRETE BLOCK STRUCTURE  
CD = CHORD DISTANCE  
C.L. = CHAIN LINK FENCE  
C = CENTER LINE  
CM = CONCRETE MONUMENT  
CONC. = CONCRETE  
CT = COURT  
(D) = DEED  
DR = DRIVE  
DB = DEED BOOK  
D/W = DRIVEWAY

50x00 = PROPOSED ELEVATION

50x00 = ELEVATION SHOT  
ESMT = EASEMENT  
ELEV = ELEVATION  
FF = FINISH FLOOR  
FD = FOUND  
FH = FIRE HYDRANT  
I.P. = IRON PIPE  
I.R. = IRON ROD  
LB = LICENSED BUSINESS  
(M) = MEASURED  
N/D = NAIL & DISK  
N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM  
ORB = OFFICIAL RECORDS BOOK  
OHW = OVERHEAD WIRE  
(P) = PLAT  
(P.R.) = PRO-RATED  
P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCEMENT

WETLAND FLAGS

U.E. = UTILITY EASEMENT  
D.E. = DRAINAGE EASEMENT  
P.U.E. = PUBLIC UTILITY EASEMENT  
P.U. & D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT  
PC = POINT OF CURVATURE  
PRC = POINT OF REVERSE CURVATURE  
P.T. = POINT OF TANGENCY  
P.I. = POINT OF INTERSECTION  
PCP = PERMANENT CONTROL POINT  
PLS = PROFESSIONAL LAND SURVEYOR  
PG = PAGE  
PB = PLAT BOOK  
R/W = RIGHT-OF-WAY  
R.P. = RADIUS POINT  
S.P. = SCREEN PORCH  
ST = STREET  
S/W = SIDEWALK  
W.F. = WOOD FENCE  
WM = WATER METER  
WV = WATER VALVE

SURVEY SYMBOLS

± = MORE OR LESS  
O = POWER POLE  
→ = GUY WIRE  
L = ARC LENGTH  
R = RADIUS  
Δ = DELTA  
[Pattern] = COVERED AREA  
[Pattern] = CONC.  
--- = CENTER LINE  
---X--- = FENCE  
--- = EASEMENT  
● = FOUND AS NOTED  
▲ = FOUND NAIL & DISK  
■ = FOUND CONCRETE MONUMENT  
○ = SET 5/8" IRON ROD "COOPER LB 6544"  
△ = SET NAIL & DISK "COOPER LB 6544"  
□ = SET 4"x4" CONCRETE MONUMENT "COOPER LB 6544"

DRAWN BY: JAB

CHECKED BY: J.W.C.

SCALE: 1" = 20'

SECTION 20, TOWNSHIP 21 S., RANGE 35 E.

LEGAL DESCRIPTION:

SEE ABOVE

according to the plat thereof as recorded in Plat Book at Page(s) of the Public Records of Brevard County, Florida.

CERTIFIED TO:

MICHAEL JOHN CONSOLAZIO and  
SONYA LYNN CONSOLAZIO

SURVEYORS NOTES:

- Unless otherwise noted, only platted easements are shown hereon.
- No underground utilities or improvements were located unless otherwise shown.
- The surveyor no longer certifies the F.E.M.A. Zone. This certification is made by an independent contractor of the Federal Government. As a courtesy to the client, this surveyor feels that this parcel lies in F.I.R.M. Zone X per Community Panel No. 125092C0115H, dated 1/29/21.
- Unless otherwise noted, any elevations shown are based on assumed datum.
- Bearing shown hereon are based on the DRAWING AS SHOWN ON THE SURVEY as being N 82°32'01" E, according to the LEGAL DESCRIPTION as recorded in ORB 4092, at page 1475 of the Public Records of Brevard County, Florida.
- This survey is prepared and certified for the exclusive use of the client named hereon.
- Unless this sketch of survey bears the signature and raised seal of John W. Cooper PLS 5093, it is for information purposes only and is not a valid survey.
- Additions or deletions to this sketch of survey by other than the signing party is prohibited without written consent of the signing party.
- Ownership of fences is unknown unless otherwise noted. Due to the nature of fences it is recommended that you contact the undersigned surveyor prior to removal or installation of any fence.

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

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

John W. Cooper PSM 5093 4/25/22  
Date Signed

PROJECT No.	DATE	REVISION
21-03-30	4/27/21	COUNTY COMMENTS
21-06-26	6/14/21	CONCRETE FOUNDATION
22-02-04	2/10/22	FINAL AS BUILT
22-02-04	4/25/22	ADD BUILDING TIE
SURVEY DATE: 2/10/22		PROJECT # 22-02-04



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.2.

6/15/2022

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### **Subject:**

Robert J. Woodhouse requests a variance from the required minimum lot size in an AU zoning classification, currently in a GU zoning classification. (22V00006) (Tax Account 2441057) Per staff, this item should be removed from the agenda. (District 1)

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning & Development

### **Requested Action:**

It is requested that the Board of Adjustment remove the public hearing to consider a variance from the required minimum lot size in an AU (Agricultural Residential) zoning classification, currently in a GU (General Use) zoning classification, from the agenda.

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

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



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.3.

6/15/2022

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### **Subject:**

Nicholas P. Riippa (Holly Tanner) requests a variance for a principal structure in an EU-2 zoning classification. (22V00007) (Tax Account 2716864)

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning and Development

### **Requested Action:**

It is requested that the Board of Adjustment conduct a public hearing to consider a variance for a principal structure in an EU-2 (Estate Use Residential) zoning classification.

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

Nicholas P. Riippa (Holly Tanner) requests a variance from Chapter 62, Article VI, Brevard County Code, Section 62-1339(5)(a), to permit a variance of 10 ft. from the required 20-ft. rear setback for a principal structure, in an EU-2 (Estate Use Residential) zoning classification. The property is 0.40 acres, located on the southwest corner of W. Coral Way and N. Riverside Dr. (327 W. Coral Way, Indialantic)

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

None





BOARD OF COUNTY COMMISSIONERS

## Inter-Office Memo

TO: Board of Adjustment Members

FROM: Jeffrey Ball, AICP, Planning & Zoning Manager

SUBJECT: Variance Staff Comments for Wednesday, May 18, 2022

### DISTRICT 5

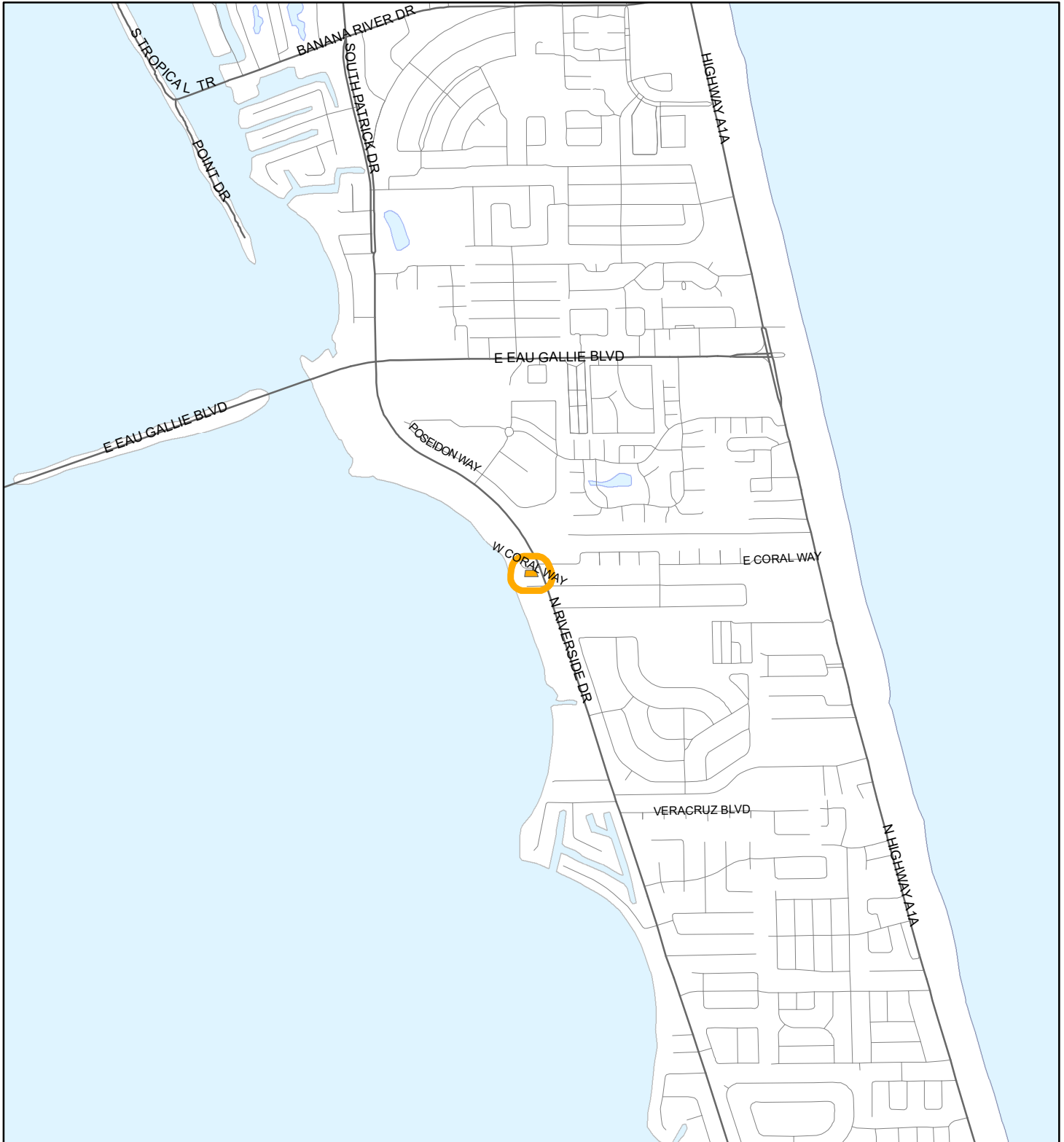
**3. (22V00007) Nicholas P. Riippa** (Holly Tanner) requests a variance from Chapter 62, Article VI, Brevard County Code, Section 62-1339(5)(a), to permit a variance of 10 ft. from the required 20-ft. rear setback in an EU-2 (Estate Use Residential) zoning classification.

The applicant requests a variance of 10 feet from the required 20-foot rear setback to construct a 550 square foot addition connected to the existing living room and kitchen area . The applicant states that the location for the addition is limited by the current location of the existing structure and pool. The request equates to a 50% deviation of what the code allows. There have been no other variances to the rear setback requirements approved 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 provided by the applicant.

# LOCATION MAP

RIIPPA, NICHOLAS P.

22V00007





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

Buffer Distance: 200 feet

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

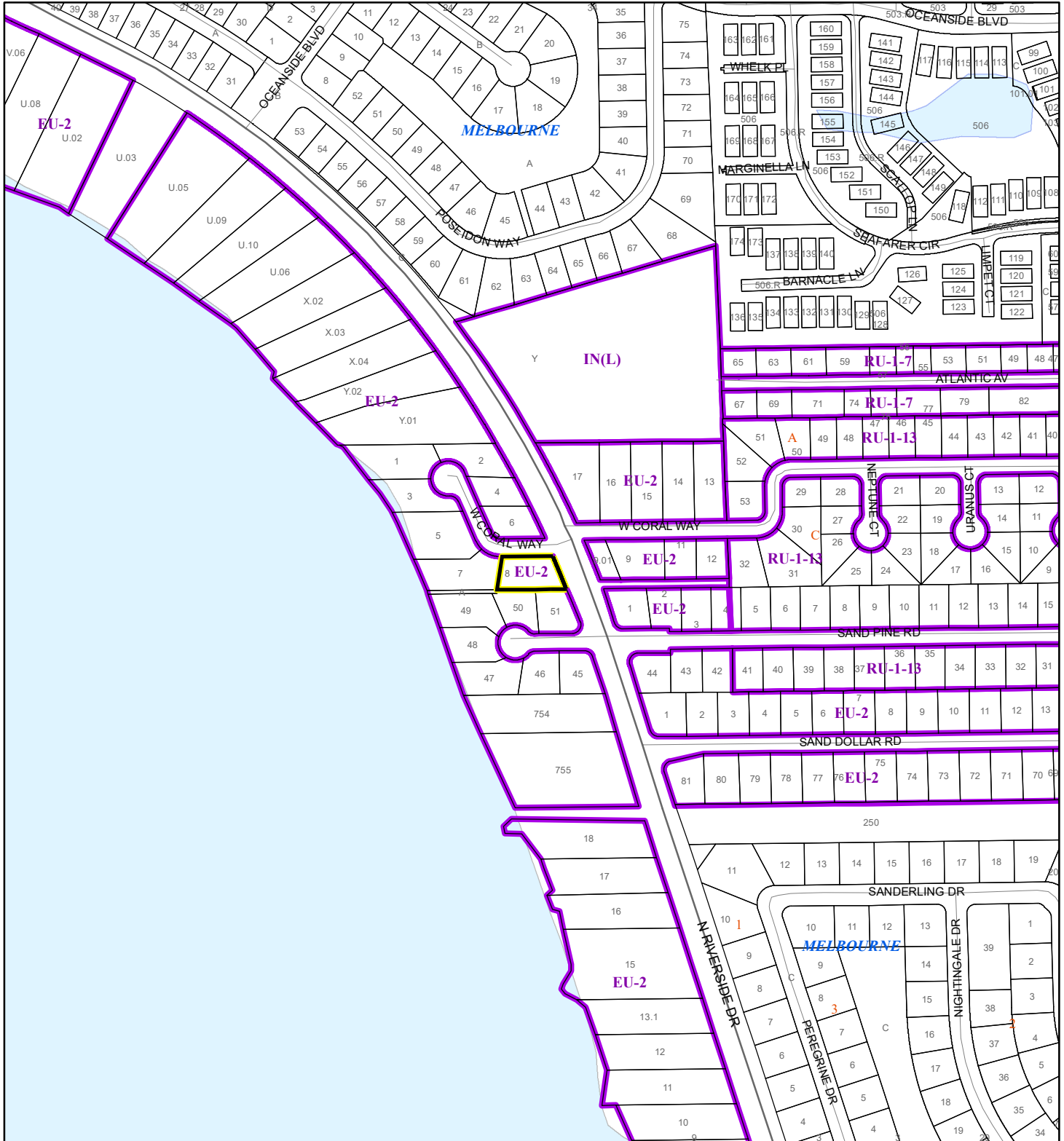
Produced by BoCC - GIS Date: 3/31/2022

 Buffer  
 Subject Property

# ZONING MAP

RIIPPA, NICHOLAS P.

22V00007



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 3/31/2022

Subject Property

Parcels

Zoning



# AERIAL MAP

RIIPPA, NICHOLAS P.

22V00007



1:1,200 or 1 inch = 100 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: 3/31/2022

 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 current location of the house at the NW corner is at 5 foot from the front setback and the SW corner is 5 foot from from the rear setback. The location that the Owner is requesting to be extended to the rear is currently at 12 foot from the rear setback. This being said the current location of the overall structure and pool are setback towards the rear and west on the property which the Owner has to work with in order to be able to attain his goal of adding a family room and incorporate the kitchen and pool area with the proposed location.

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

Applicant Response:

No, due to the above stated current conditions of the property - these were not the result from actions of the Owner.

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:

By granting the variance requested, there would be no special privilege that could be denied by provisions in the identical zoning classification.

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:

Based on the current location of the structure and pool area, the Owner is limited in terms of where he can extend the family room area so that he can incorporate the location of the pool with the proposed addition.

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 proposed request is the minimum variance that will make it possible for reasonable use of the proposed addition in order to incorporate the current location of structure and the pool.

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:

By granting this variance it be in harmony and not injurious to the area involved or detrimental to the public welfare

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

**LEGAL DESCRIPTION**

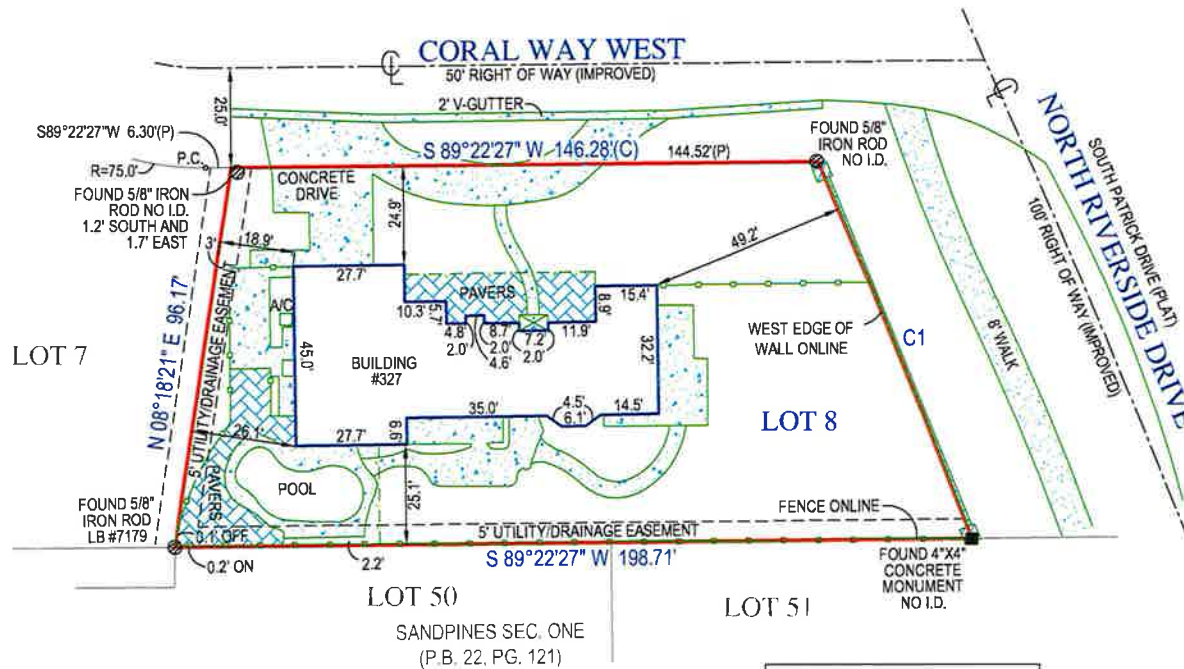
LOT 8, STUART TERRACE 1ST ADDITION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 74, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

FLOOD ZONE: X  
COMMUNITY NUMBER: 125092  
PANEL: 12009C0539  
SUFFIX: H  
BASE FLOOD ELEVATION: N/A  
FIRM DATE: 01/29/2021  
FIRM EFFECT./REV DATE: 01/29/2021

SCALE: 1"=30'



VICINITY MAP  
NOT TO SCALE



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	102.14' (C)	2814.79	2°04'45"
	102.86' (P)		

**NOTES:**

1. LEGAL DESCRIPTION PROVIDED BY CLIENT.
2. NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE.
3. NO SUBSURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY.
4. ALL ANGLES OR BEARINGS AND DISTANCES SHOWN HEREON ARE BOTH RECORDED AND MEASURED UNLESS OTHERWISE NOTED.
5. SOME FEATURES MAY NOT BE AT SCALE IN ORDER TO SHOW DETAIL.
6. THE BEARINGS SHOWN HEREON ARE BASED UPON THE SOUTH LINE, HAVING A BEARING OF S89°22'27"W.

ORIGINAL FIELD WORK COMPLETED BY  
TARGET SURVEYING, LLC.  
SURVEY #: 294357 DATED: 06-13-2017

DATE OF FIELD WORK: 01-31-2022  
DATE OF MAP: 02-04-2022

SURVEYORS CERTIFICATE:  
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION, NOT VALID WITHOUT A RAISED EMBC SEAL.  
**Kenneth Osborne**  
Date: 2022.03.30  
09:20:38 -04'00'

KENNETH J. OSBORNE  
PROFESSIONAL SURVEYOR AND MAPPER #6415

BOUNDARY SURVEY UPDATE OF  
327 CORAL WAY WEST  
INDIALANTIC, FL 32903  
PREPARED FOR  
TANNER HOLLY

C-520724  
01-31-2022  
1 OF 1

6250 N. MILITARY TRAIL  
SUITE 102  
WEST PALM BEACH, FL 33407  
www.compassurveying.net  
**COMPASS SURVEYING**  
PHONE: 561.640.4800 FAX: 561.640.0576  
LB. 7463

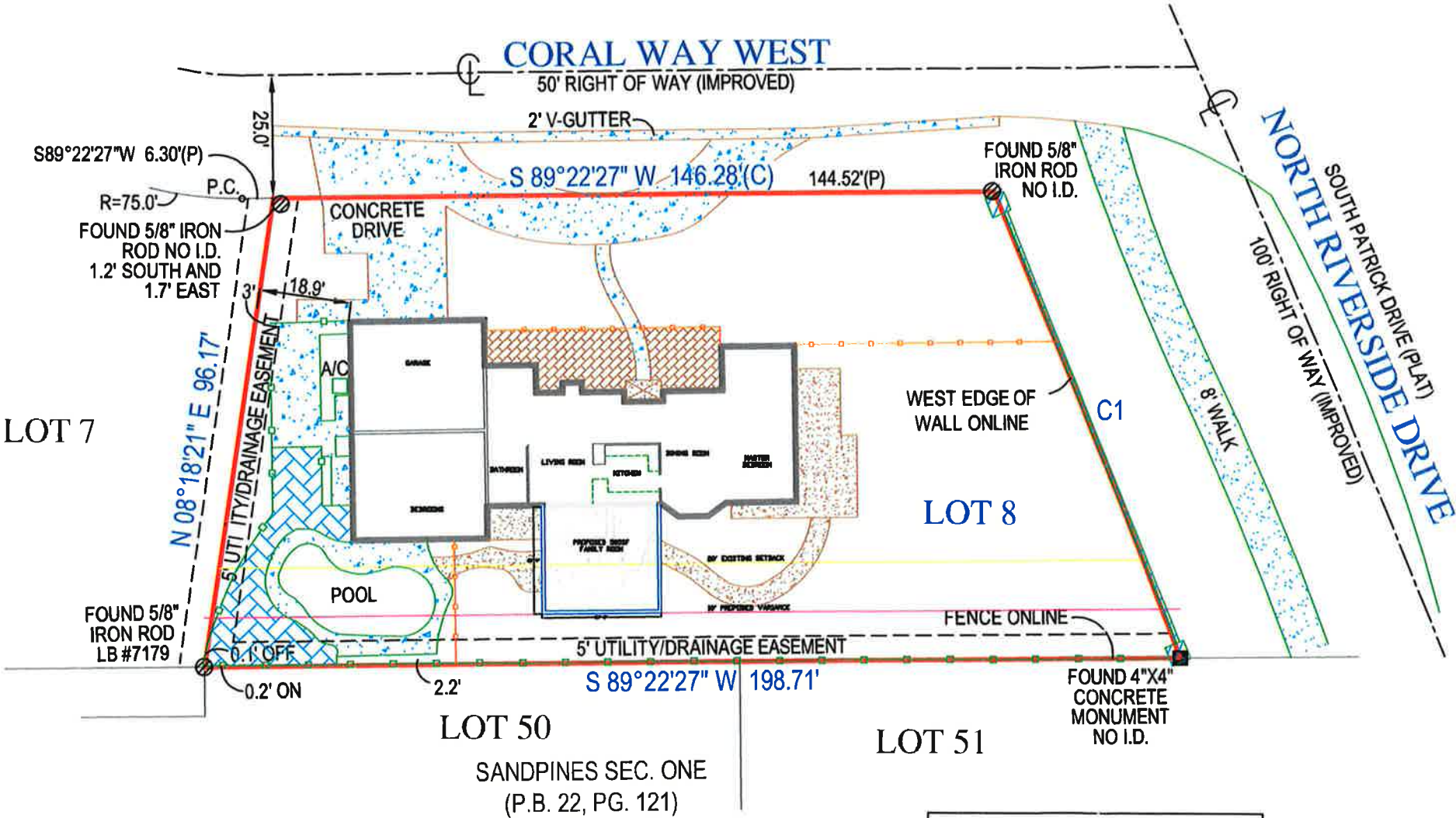


LEGAL DESCRIPTION  
LOT 8, STUART TERRACE 1ST ADDITION ACCORDING TO THE  
PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 74, OF  
THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

FLOOD ZONE: X  
COMMUNITY NUMBER: 125092  
PANEL: 12009C0539  
SUFFIX: H  
BASE FLOOD ELEVATION: N/A  
FIRM DATE: 01/29/2021  
FIRM EFFECT./REV DATE: 01/29/2021



VICINITY MAP  
NOT TO SCALE



- LEGEND
- A/C AIR CONDITIONER
  - B.F.P. BACKFLOW PREVENTER
  - C.B.S. CONCRETE BLOCK STRUCTURE
  - EL. ELEVATION
  - F.F. FINISHED FLOOR
  - I.D. IDENTIFICATION
  - L. LENGTH
  - L.B. LICENSED BUSINESS
  - M. MEASURED
  - N.A.V.D. NORTH AMERICAN VERTICAL DATUM
  - N.G.V.D. NATIONAL GEODETIC VERTICAL DATUM
  - O.R.B. OFFICIAL RECORDS BOOK
  - P. PLAT
  - PSM. PROFESSIONAL SURVEYOR AND MAPPER
  - P.R.M. PERMANENT REFERENCE MONUMENT
  - PG. PAGE
  - P.B. PLAT BOOK
  - PK. PARKER KYLON NAIL
  - R. RADIUS
  - C. CENTERLINE
  - AND NUMBER
  - Δ DELTA OR CENTRAL ANGLE
  - CONCRETE
  - CHAIN LINK FENCE
  - WOOD FENCE
  - MISCELLANEOUS FENCE

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	102.14' (C)	2814.79	2°04'45"
	102.86' (P)		

- NOTES:
- LEGAL DESCRIPTION PROVIDE BY CLIENT.
  - NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE.
  - NO SUBSURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY.
  - ALL ANGLES OR BEARINGS AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED.
  - SOME FEATURES MAY NOT BE AT SCALE IN ORDER TO SHOW DETAIL.
  - THE BEARINGS SHOWN HEREON ARE BASED UPON THE SOUTH LINE, HAVING A BEARING OF S89°22'27"W.

ORIGINAL FIELD WORK COMPLETED BY  
TARGET SURVEYING, LLC.  
SURVEY #: 294357 DATED: 06-13-2017  
DATE OF FIELD WORK: 01-31-2022  
DATE OF MAP: 02-04-2022

SURVEYORS CERTIFICATE:  
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A  
TRUE AND CORRECT REPRESENTATION OF A SURVEY  
PREPARED UNDER MY DIRECTION. NOT VALID  
WITHOUT A RAISED EMBOSSED SEAL AND SIGNATURE.

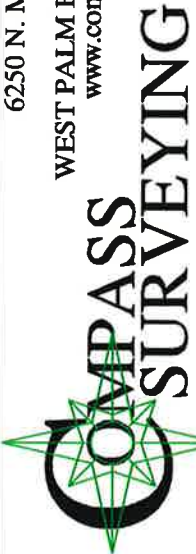
(SIGNED)  
KENNETH J. OSBORNE  
PROFESSIONAL SURVEYOR AND MAPPER #6415

Riippa  
22V00007

BOUNDARY SURVEY UPDATE OF  
327 CORAL WAY WEST  
INDIALANTIC, FL 32903  
PREPARED FOR  
TANNER HOLLY

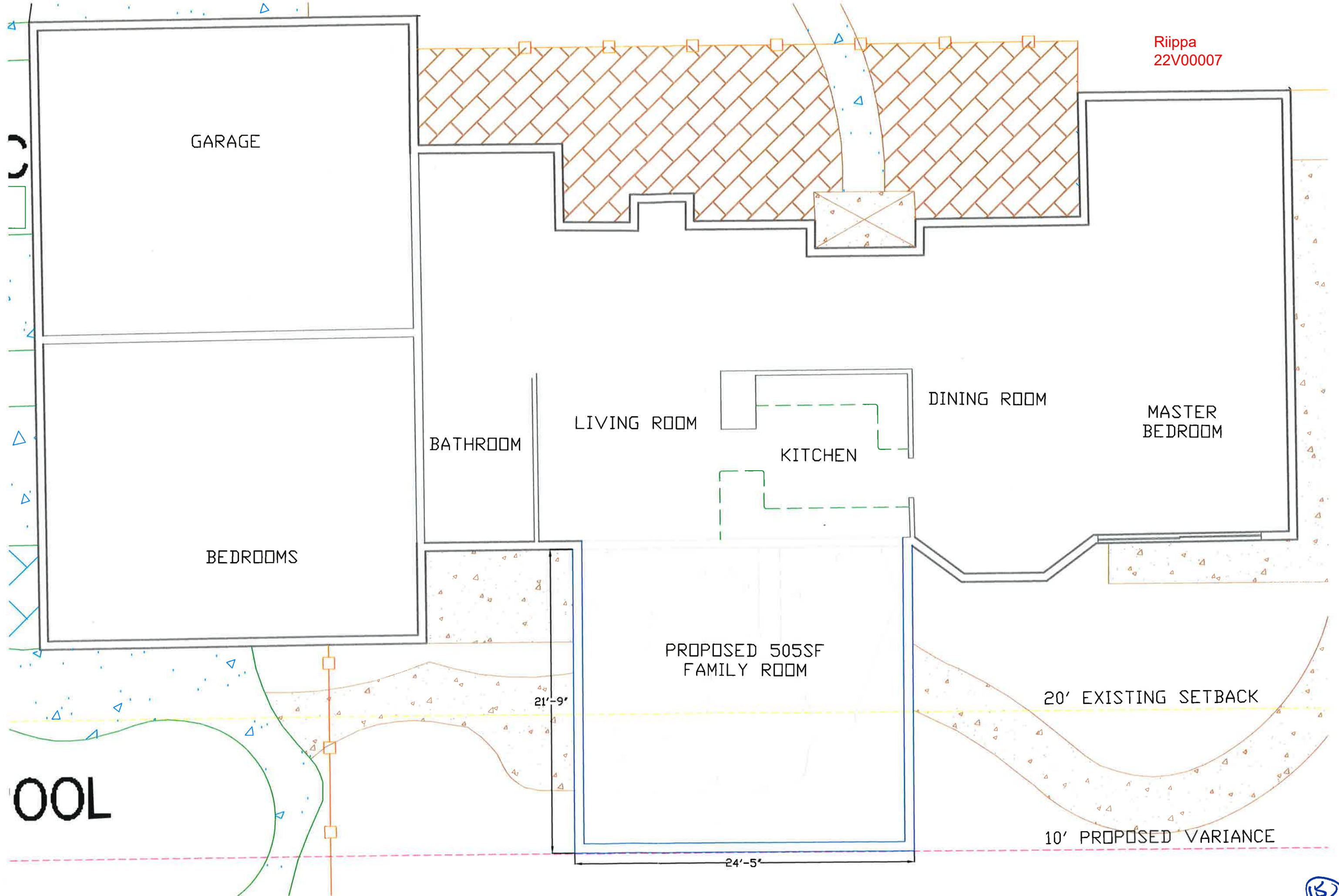
C-520724  
01-31-2022  
1"=30'  
1 OF 1

6250 N. MILITARY TRAIL  
SUITE 102  
WEST PALM BEACH, FL 33407  
www.compassurveying.net

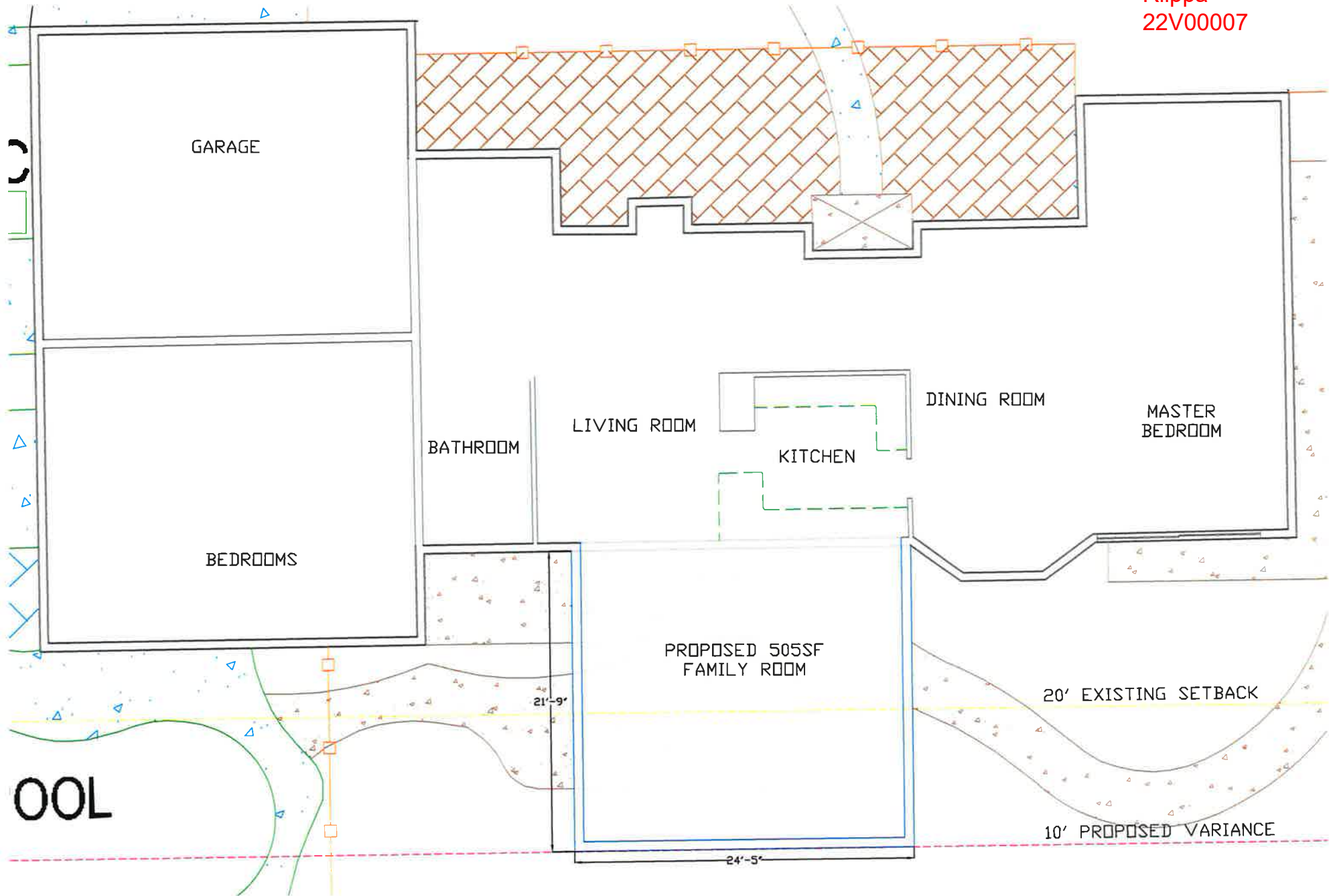


LB. 7463 PHONE: 561.640.4800 FAX: 561.640.0576





Riippa  
22V00007





# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

---

H.4.

6/15/2022

---

### **Subject:**

Jessica L. and Derrick Comparato request a variance for fence height in an EU zoning classification. (22V00008)  
(Tax Account 2511327) (District 2)

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning & Development

### **Requested Action:**

It is requested that the Board of Adjustment conduct a public hearing to consider a variance for fence heights in an EU (Estate Use Residential) zoning classification.

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

Jessica L. and Derrick Comparato request a variance from Chapter 62, Article VI, Brevard County Code, Section 62-2109(a), to permit a variance 2 feet over the 6-ft. height limitation for a fence in an EU (Estate Use Residential) zoning classification. The property is 0.34 acres, located on the north and west sides of Leslie Dr., approx. 90 ft. west of Linnea Rd. (1260 Leslie Dr., Merritt Island)

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

None



## 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 & Zoning Manager

SUBJECT: Variance Staff Comments for Wednesday, June 15, 2022

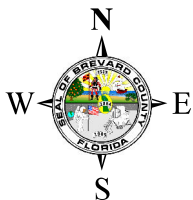
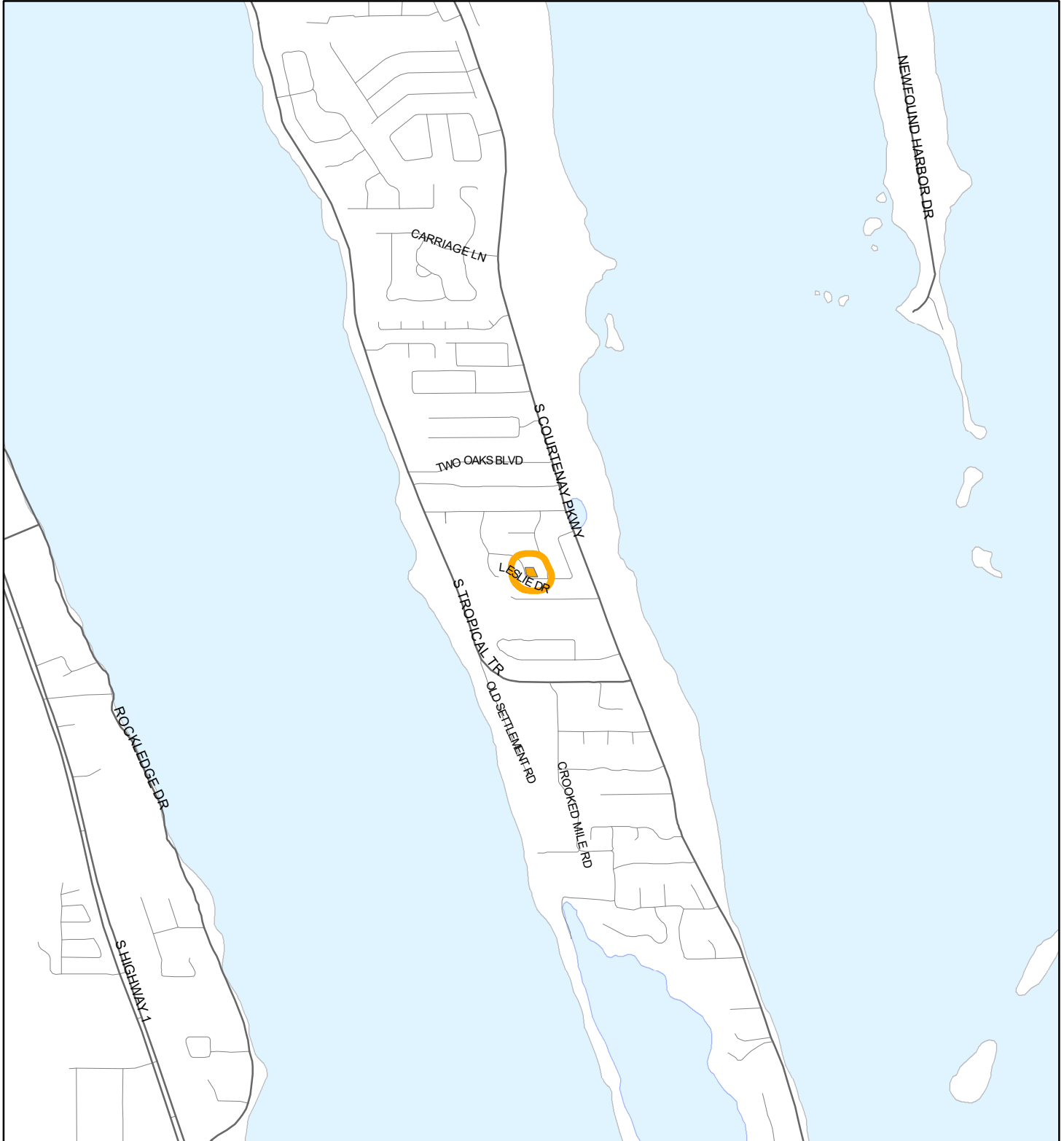
### DISTRICT 2

**4. (22V00008) Jessica L. and Derrick Comparato** request a variance from Chapter 62, Article VI, Brevard County Code, Section 62-2109(a), to permit a variance 2 feet over the 6-ft. height limitation for a fence in an EU (Estate Use Residential) zoning classification.

The applicant requests a variance of 2 feet from the required 6-foot fence height limit in a residential zoning classification to raise their fence to 8 feet in height along the eastern property line. The applicant states they would like to ensure privacy and security for their children in their backyard. The request equates to a 33% deviation of what the code allows. In 2017, a 2-foot variance for fence height was denied approximately 500 feet to the east. 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 provided by the applicant.

# LOCATION MAP

COMPARATO, JESSICA L. AND DERRICK  
22V00008



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

Buffer Distance: 200 feet

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

Produced by BoCC - GIS Date: 5/2/2022

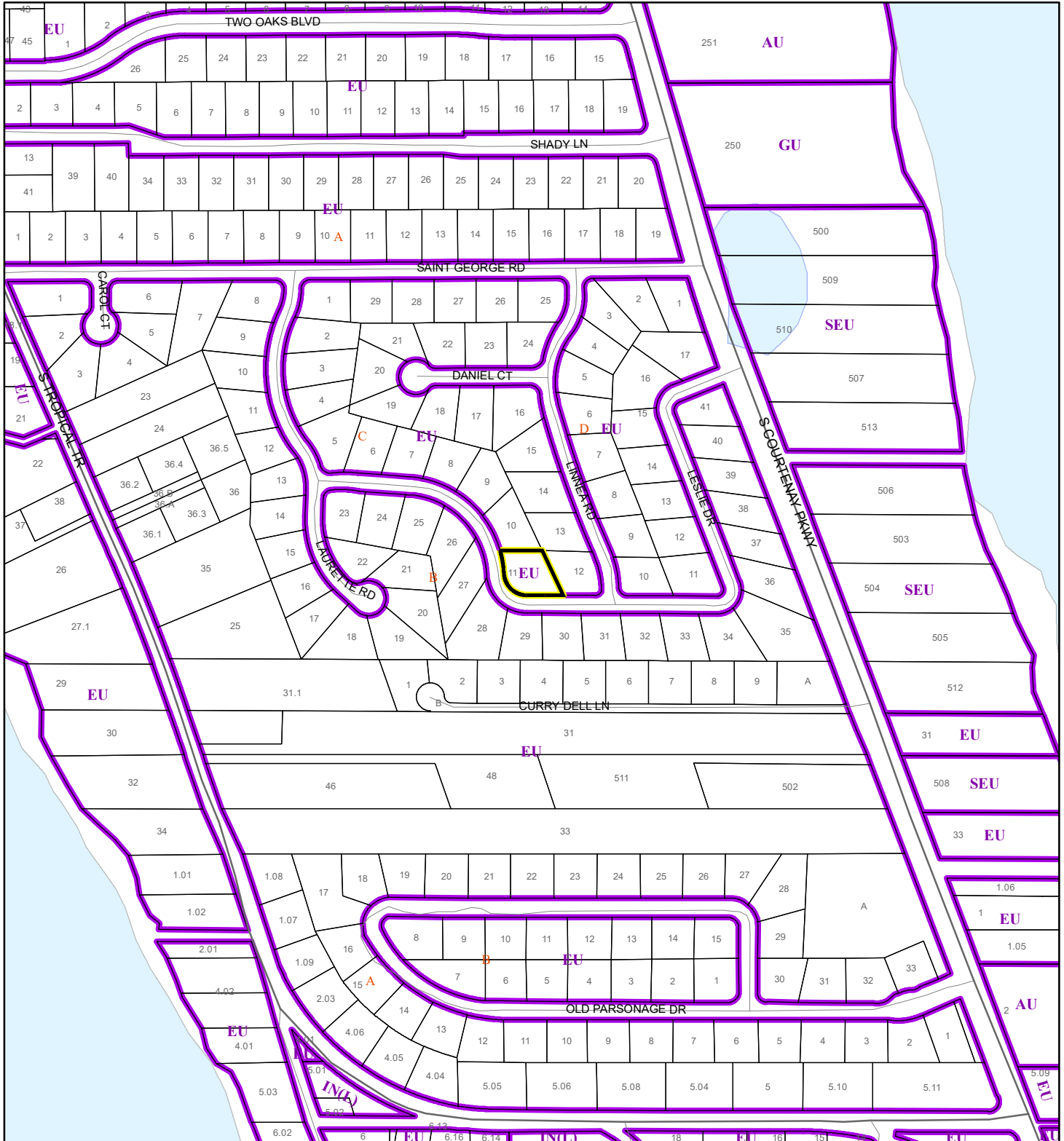
Buffer  
Subject Property



# ZONING MAP

COMPARATO, JESSICA L. AND DERRICK


22V00008



1:4,800 or 1 inch = 400 feet

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

Produced by BoCC - GIS Date: 5/2/2022

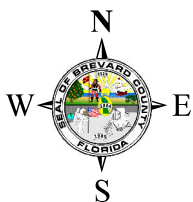
 Subject Property

 Parcels

 Zoning



AERIAL MAP  
COMPARATO, JESSICA L. AND DERRICK  
22V00008





1:1,200 or 1 inch = 100 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: 5/2/2022

 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:

*A convicted child sex offender now lives in the home that shares the backyard property line.*

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

*Previous actions of other party.*

(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:

*Only gaining some peace of mind through privacy for my children when they swim or play in back yard*

(over)

(4) That literal enforcement of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the identical zoning classification under the provisions of this chapter and will constitute unnecessary and undue hardship on the applicant:

Without the higher fence, we would not feel comfortable having our children play in our backyard or pool.

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

We not adding additional fence line but simply raising the current height 2 ft.

(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:

Nothing drastic being requested that will alter the look or feel of the neighborhood.

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

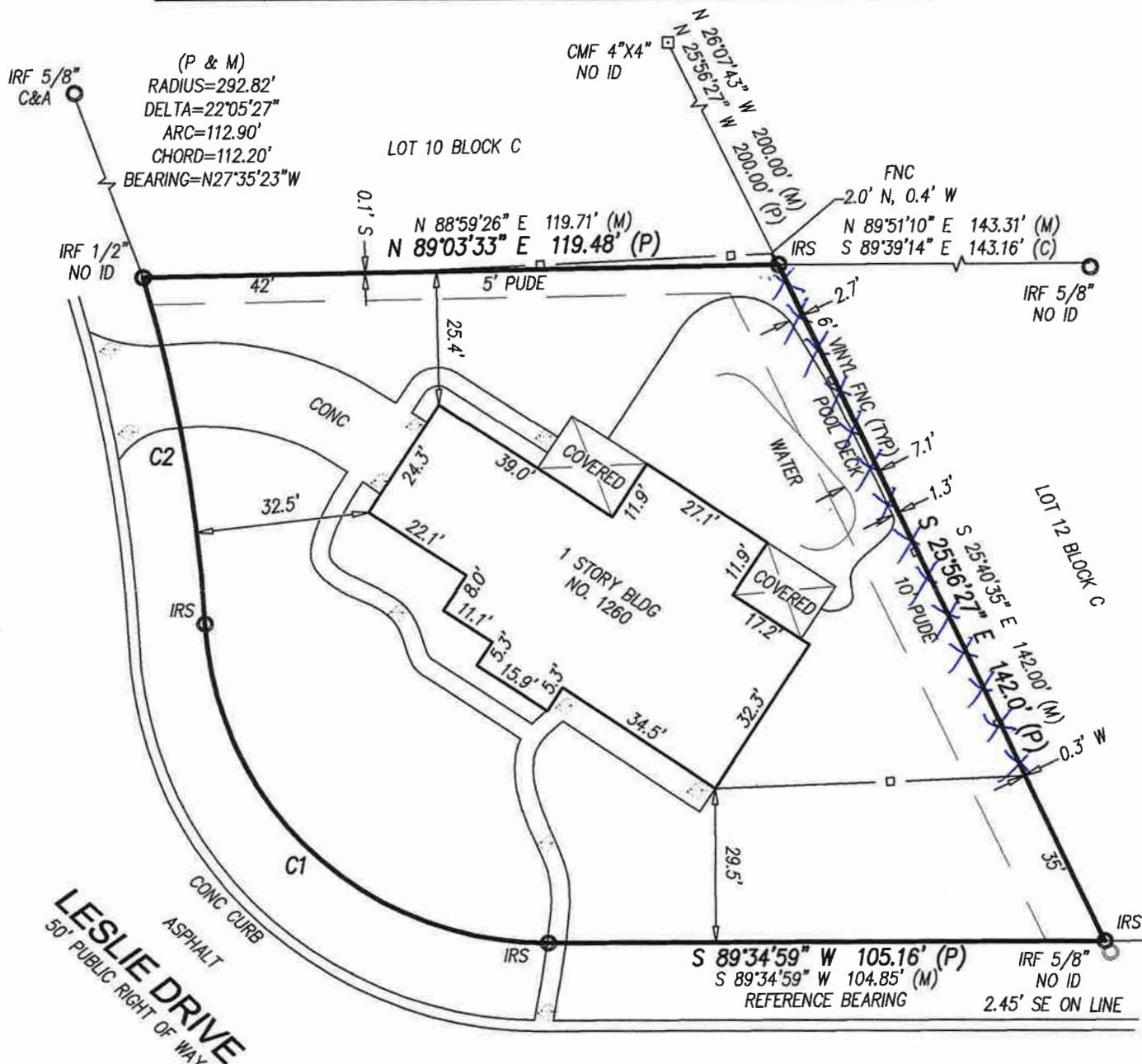
Signature of applicant



Signature of planner

Janice Ramos

# MAP OF BOUNDARY SURVEY



CURVE TABLE (P)			
CURVE	RADIUS	DELTA	LENGTH
C1	64.40'	86°57'07"	97.73'
C2	292.82'	13°08'30"	67.16'

CURVE TABLE (M)					
CURVE	RADIUS	DELTA	LENGTH	CHORD	BEARING
C1	64.40'	87°01'21"	97.81'	88.68'	N46°54'21"W
C2	292.82'	13°09'00"	67.21'	67.06'	N09°58'10"W

## LEGEND

C/L = CENTERLINE  
CLF = CHAIN LINK FENCE  
CMF = CONCRETE MONUMENT FOUND  
CONC = CONCRETE  
COR = CORNER  
(D) = DEED  
ESMT = EASEMENT  
FFE = FINISHED FLOOR ELEVATION  
FNC = FENCE  
FND = FOUND  
FP&L = FLORIDA POWER & LIGHT CO.

ID = IDENTIFICATION  
IIPF = IRON PIPE FOUND  
IRF = IRON ROD FOUND  
IRS = IRON ROD SET 5/8"  
GAI LB 7928  
LB = LICENSED BUSINESS NUMBER  
(M) = MEASURED  
NDF = NAIL & DISK FOUND  
ORB = OFFICIAL RECORDS BOOK  
(P) = PLAT  
PB = PLAT BOOK

PCP = PERMANENT CONTROL POINT  
PC = POINT OF CURVATURE  
PLS = PROFESSIONAL LAND SURVEYOR  
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  
NDS = NAIL & DISK SET GAI LB 7928

## LEGAL DESCRIPTION:

LOT 10, BLOCK C, ROCKWELL ESTATES, A SUBDIVISION  
ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK  
18, PAGE 48, IN THE PUBLIC RECORDS OF BREVARD COUNTY,  
FLORIDA.

## CERTIFIED TO:

JESSICA COMPARATO  
VETERANS UNITED HOME LOANS  
COUNTYWIDE TITLE & ESCROW CORP  
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

DRAWN BY: AEG

SCALE 1 INCH = 30 FEET

## NOTES:

1. BEARINGS BASED ON SAID PLAT (SEE SKETCH)
2. ELEVATIONS BASED ON -----
3. FLOOD ZONE "X", MAP NO. 12009C0445G  
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.

BOUNDARY	DATE: 18 MAR 15



## 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





RESOLUTION 2015 - 054**VACATING A PORTION OF A PUBLIC UTILITY & DRAINAGE EASEMENT IN ROCKWELL  
ESTATES IN SECTION 24, TOWNSHIP 25 SOUTH, RANGE 36 EAST**

WHEREAS, pursuant to Article II, Section 86-36, Brevard County Code, a petition has been filed by **Jane A. Stevenson** with the Board of County Commissioners to vacate a portion of a public utility and drainage easement in Brevard County, Florida, described as follows:

**SEE ATTACHED SKETCH & DESCRIPTION**

WHEREAS, the vacating action will in no way affect any private easements which may also be present in the existing public easement(s) or public right-of-way, nor does this action guarantee or transfer title.

WHEREAS, notice of the public hearing before the Board of County Commissioners was published one time in the TODAY Newspaper, a newspaper of general circulation in Brevard County, Florida, prior to the public hearing; and

WHEREAS, the Board finds that vacating of said portion of the public utility and drainage easement will not be detrimental to Brevard County or the public.

THEREFORE BE IT RESOLVED that said portion of the public utility and drainage easement is hereby vacated; and Brevard County renounces and disclaims any rights in and to said easement. Pursuant to Section 177.101(5), Florida Statutes, the vacating shall not become effective until a certified copy of this resolution is filed in the offices of the Clerk of Courts and recorded in the Public Records of Brevard County.

DONE, ORDERED AND ADOPTED, in regular session, this 28<sup>th</sup> day of April A.D., 2015.

ATTEST

  
SCOTT ELLIS, CLERKBOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA  
ROBIN FISHER, CHAIRMAN

As approved by the Board on:  
April 28, 2015

**LEGAL DESCRIPTION****SHEET 1 OF 2**

SECTION 24, TOWNSHIP 25 SOUTH, RANGE 36 EAST  
 PARCEL ID NUMBER 25-36-24-IG-0000C.0-0011.00  
 PURPOSE OF SKETCH AND DESCRIPTION : EASEMENT VACATION

NOT VALID WITHOUT THE  
 SKETCH ON SHEET 2 OF 2

**LEGAL DESCRIPTION:**

THE 10.00 FOOT WIDE PUBLIC DRAINAGE AND UTILITY EASEMENT ACROSS THE EASTERLY 10.00 FEET OF LOT 11, BLOCK C, ROCKWELL ESTATES, AS RECORDED IN PLAT BOOK 18, PAGE 48 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA; LESS AND EXCEPT THEREFROM THE NORTH 10.00 FEET OF SAID LOT 11 AS MEASURED BY PERPENDICULAR MEASUREMENT FROM THE NORTH LINE OF SAID LOT AND CONTAINING 1,309 SQUARE FEET, MORE OR LESS.

**NOTE;**

1. THIS IS NOT A SURVEY
2. BEARINGS BASED ON THE SOUTH LOT OF LOT 11 (S 89°34'59" W) PER PLAT

**PREPARED FOR:**

JANE STEVENSON

*Earl K. Gordon*  
 EARL K. GORDON PROFESSIONAL LAND SURVEYOR AND MAPPER  
 STATE OF FLORIDA NO. LS 5363  
 NOT VALID UNLESS SIGNED AND SEALED

**PREPARED BY:** GAI Surveyors (LB NO. 7928)

ADDRESS: 450 BARNES BOULEVARD ROCKLEDGE FLORIDA 32955

PHONE: 321-806-3906

DRAWN BY: AEG

DATE: 25 MARCH 15

CHECKED BY: EKG

SHEET 1 OF 2

DRAWING NO. N/A

DATE: 25 MARCH 15

SECTION 24

TOWNSHIP 25 SOUTH

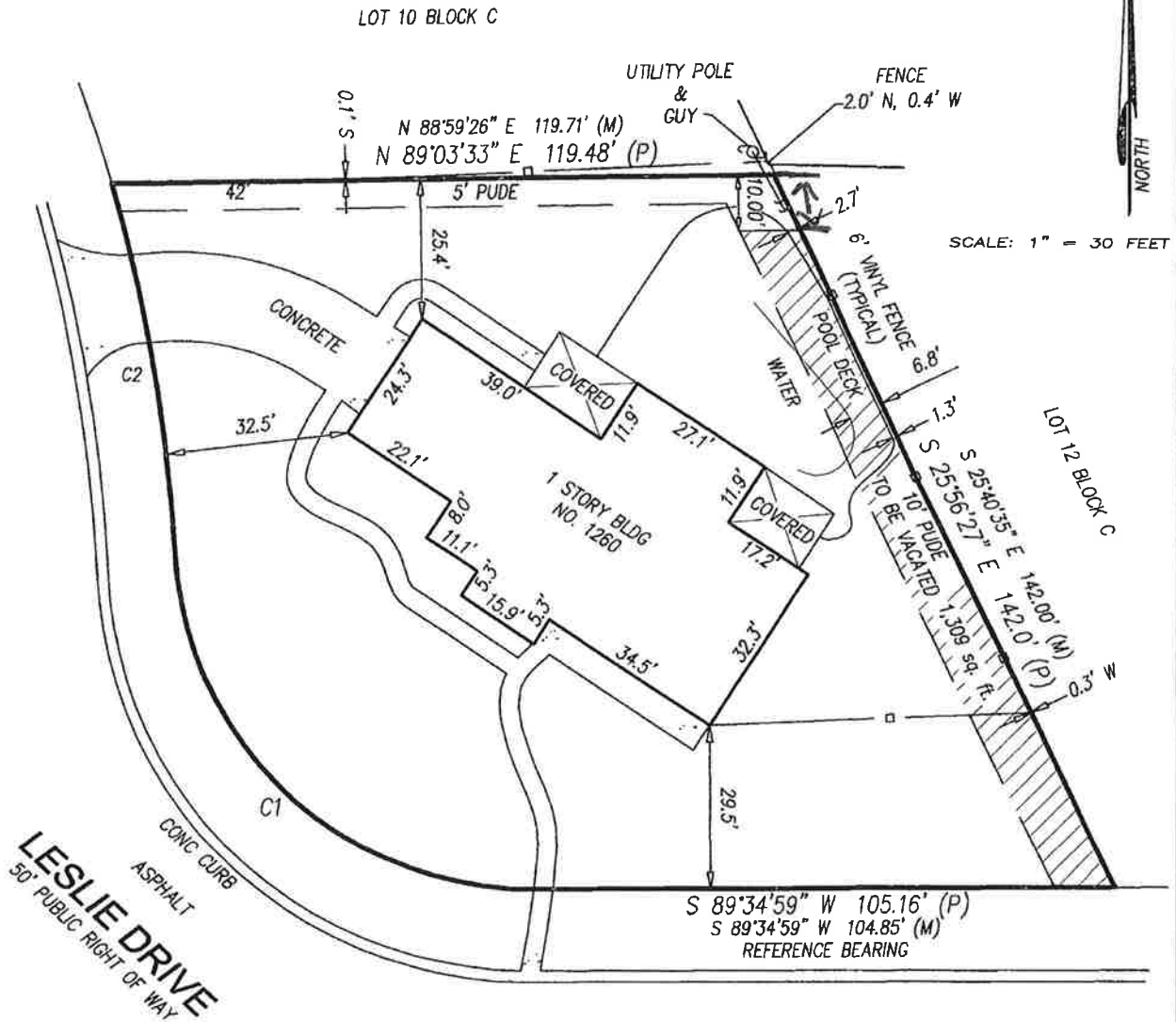
RANGE 36 EAST

# SKETCH OF DESCRIPTION

SECTION 24, TOWNSHIP 25 SOUTH, RANGE 36 EAST  
PARCEL ID NUMBER 25-36-24-IG-0000C.0-0011.00

SHEET 2 OF 2

NOT VALID WITHOUT THE LEGAL  
DESCRIPTION ON SHEET 1 OF 2



C2= CURVE TABLE NUMBER  
LB=LICENSED BUSINESS NUMBER  
M=MEASURED  
P=PLAT  
PUDE= PUBLIC UTILITY AND DRAINAGE EASEMENT  
- - DENOTES CONCRETE

CURVE TABLE (P)			
CURVE	RADIUS	DELTA	LENGTH
C1	64.40'	86°57'07"	97.73'
C2	292.82'	13°08'30"	67.16'

CURVE TABLE (M)					
CURVE	RADIUS	DELTA	LENGTH	CHORD	BEARING
C1	64.40'	87°01'21"	97.81'	88.68'	N46°54'21"W
C2	292.82'	13°09'00"	67.21'	67.06'	N09°58'10"W



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Public Hearing

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H.5.

6/15/2022

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### **Subject:**

Andrew and Iryna Afong request variances to a principal structure and an accessory structure in an RU-1-13 zoning classification. (22V00010) (Tax Account 2507778) (District 2)

### **Fiscal Impact:**

None

### **Dept/Office:**

Planning & Development

### **Requested Action:**

It is requested that the Board of Adjustment conduct a public hearing to consider variances to a principal structure and an accessory structure in an RU-1-13 zoning classification.

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

Andrew and Iryna Afong request variances from Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1340(5)(a), to permit a variance of 7.78 ft. from the 20-ft. rear setback for a principal structure; 2.) Section 62-1340(5)(a), to permit a variance of 5.47 ft. from the 20-ft. rear setback for a principal structure; 3.) Section 62-1340(5)(b), to permit a variance of 0.7 ft. from the 7.5-ft. side (north) setback for an accessory structure; 4.) Section 62-1340(b), to permit a variance of 0.8 ft. from the 7.5-ft. side (north) setback for an accessory structure, in an RU-1-13 (Single-Family Residential) zoning classification. The property is 0.30 acres, located on the west side of S. Tropical Trail, across from Plantation Rd. (2175 S. Tropical Trail, Merritt Island.)

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

None



BOARD OF COUNTY COMMISSIONERS

## Inter-Office Memo

TO: Board of Adjustment Members

FROM: Jeffrey Ball, AICP, Planning & Zoning Manager

SUBJECT: Variance Staff Comments for Wednesday, June 15, 2022

### DISTRICT 2

**5. (22V00010) Andrew and Iryna Afong** request variances from Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-1340(5)(a), to permit a variance of 7.78 ft. from the 20-ft. rear setback for a principal structure; 2.) Section 62-1340(5)(a), to permit a variance of 5.47 ft. from the 20-ft. rear setback for a principal structure; 3.) Section 62-1340(5)(b), to permit a variance of 0.7 ft. from the 7.5-ft. side (north) setback for an accessory structure; 4.) Section 62-1340(b), to permit a variance of 0.8 ft. from the 7.5-ft. side (north) setback for an accessory structure, in an RU-1-13 (Single-Family Residential) zoning classification.

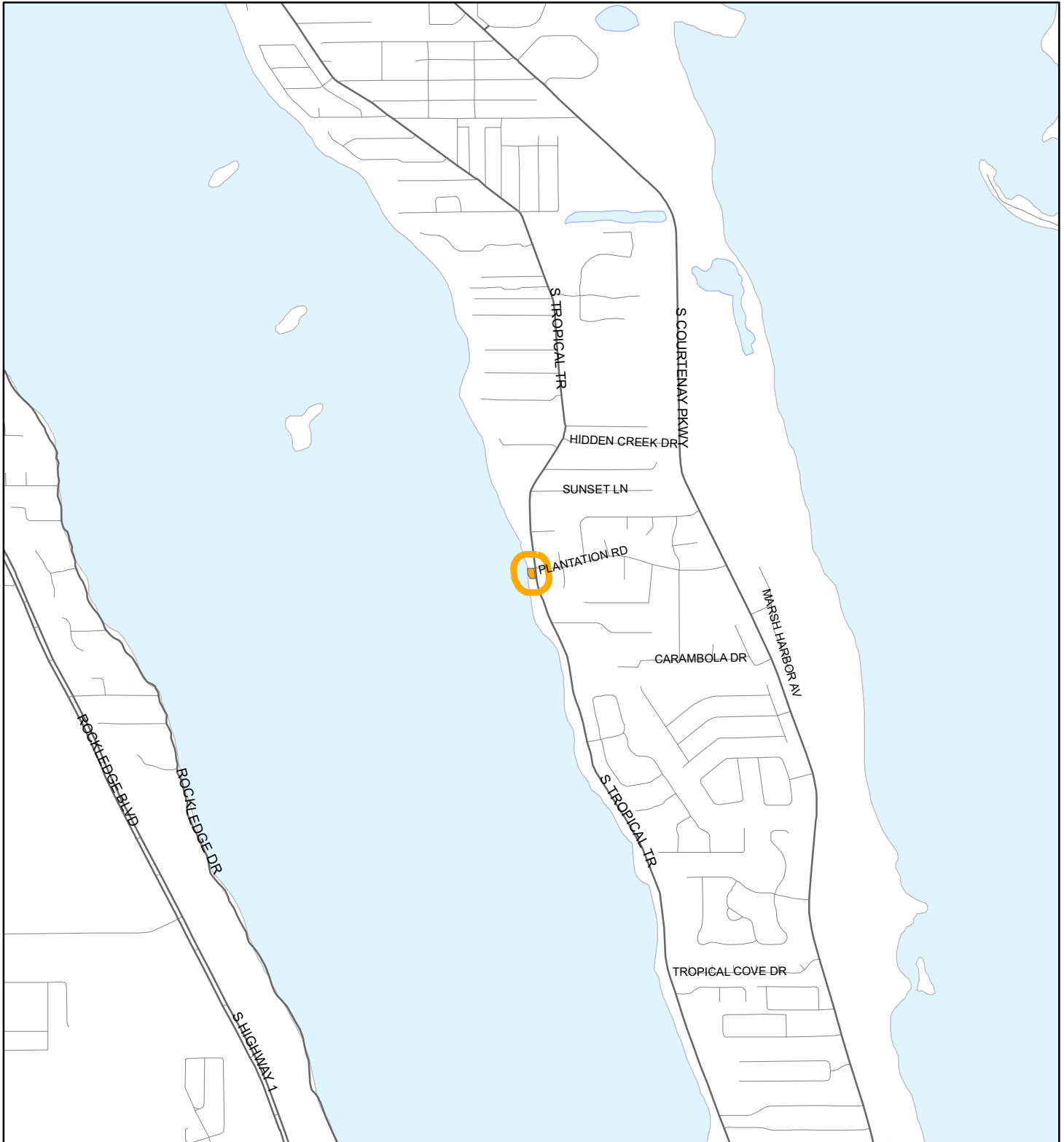
The applicants have applied for a permit for renovation and an addition to an existing home and were flagged for the primary structure encroaching into the rear setbacks and an existing accessory structure encroaching into the side setbacks during the zoning review. The applicants state the home was built in 1953. The first request equates to a 38.9% deviation of what the code allows. The second request equates to a 27.4% deviation of what the code allows. The third request equates to a 9.3% deviation of what the code allows. The fourth request equates to a 10.3% deviation of what the code allows. In 2009, approximately 40 feet to the west, a variance of 86.7% was approved for an accessory building side setback. 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 provided by the applicant and require building permits.



# LOCATION MAP

AFONG, ANDREW AND IRYNA

22V00010



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

Buffer Distance: 200 feet

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

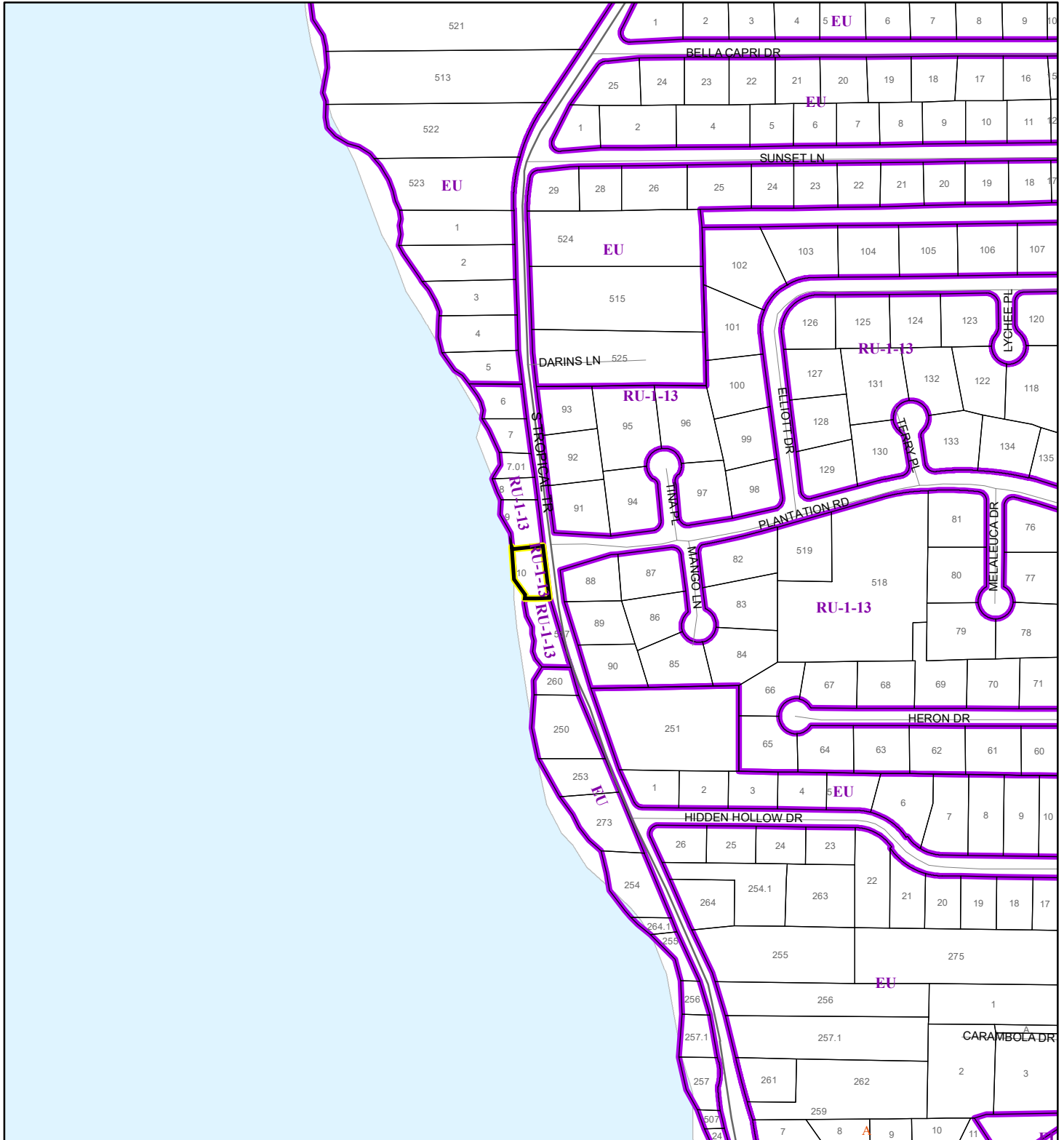
Produced by BoCC - GIS Date: 5/6/2022

Buffer  
Subject Property

# ZONING MAP

AFONG, ANDREW AND IRYNA


22V00010



1:4,800 or 1 inch = 400 feet

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Produced by BoCC - GIS Date: 5/6/2022

 Subject Property

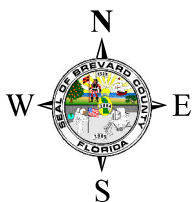
 Parcels

 Zoning

# AERIAL MAP

AFONG, ANDREW AND IRYNA

22V00010




1:1,200 or 1 inch = 100 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: 5/6/2022

 Subject Property

 Parcels



Reason for Request:

We, Iryna and Andrew Afong, are respectfully requesting the Board to grant the following property setback variances:

Variance 1: A variance to Section 62-1340(5)(a) of Brevard County Zoning ordinance to reduce the rear property setback for the house remodel at 2175 S. Tropical Trail, Merritt Island, 32952 from required 20 feet to between 14.52 feet and 16.23 feet.

Variance 2: A variance to Section 62-1340 (5)(a) of Brevard County Zoning Ordinance to reduce the existing garage's side setback from required 7.5 feet to between 6.7 feet and 6.8 feet.

Currently, the property is zoned as RU-1-13 Single Family Residential. From Brevard County Ordinances, Sec. 62-1340. - Single-family residential, RU-1-13 and RU-1-11, paragraph (5) Setbacks a. "Structures shall be set back not less than 20 feet from the front lot line, not less than seven and one-half feet from each side lot line, and not less than 20 feet from the rear lot line, except for screen porches, which shall be set back not less than ten feet from the rear lot line."

Variance 1: The proposed house remodel is within the existing house, built in 1953, footprint, and has the rear lot setback from 12.22' to 14.52' at the southwest corner of the house and from 14.53' to 16.23' at the northeast corner of the proposed building. Furthermore, the proposed house remodel improves the current condition with the front lot setback from existing 16.64' to proposed 22.34', therefore bringing the house up to Brevard County standards on the front lot setback requirements. We are requesting rear setback variance due to the existing house location and lot size and configuration which do not allow for the required rear setback to be met.

Variance 2: Existing garage structure side setback is 6.7' and 6.8' on the northeast and northwest corners of the garage accordingly. Proposed remodel does not change the existing garage footprint. We are asking the Variance Board to approve this side setback due to existing conditions which are not being changed/created by the applicants.



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:

Yes,

Variance 1: The existing house location, lot size, and lot configuration do not allow for the required rear setback of 20 feet to be met. Proposed house remodel is within the footprint of existing house. Furthermore, the proposed remodel improves currently non-conforming front lot setback and brings it up to the Brevard County Standards.

Variance 2: Existing garage is a standing structure and was built by previous owners. Proposed improvements do not change the existing garage footprint, therefore improvement in the side setback from 6.8 feet to 7.5 feet is not possible.



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

Applicant Response:

Yes.

Variance 1: The existing house location, lot size, and lot configuration do not allow for the required rear setback of 20 feet to be met. Proposed house remodel is within the footprint of existing house. Furthermore, the proposed remodel improves currently non-conforming front lot setback and brings it up to the Brevard County Standards.

Variance 2: Existing garage is a standing structure and was built by previous owners. Proposed improvements do not change the existing garage footprint, therefore improvement in the side setback from 6.8 feet to 7.5 feet is not possible.

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:

Yes.

Variance 1: Variance requested is not decreasing the existing setbacks. Overall proposed remodel improves front lot setback from existing 16.64 feet to proposed 22.34 feet and rear lot setback from existing 14.23 feet at the southwest corner of the house to proposed 14.52 and from existing 15.99 feet at the northwest corner of the house to the proposed 16.23 feet.

Variance 2: The structure is existing and footprint is not being changed. The applicant is not changing side setback for this existing structure.

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:

Yes.

Variance 1: Current house is old and in need of major remodel. The applicant made all reasonable efforts to remain within the existing house footprint and to improve conditions where possible. Due to the size and configuration of the property lot and the existing house footprint, the rear setback could not be met.

Variance 2: The 0.8 foot side setback shortage is for existing structure which the applicant does not intend to change other than cosmetic appearance and style to match the house.



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

Applicant Response:

Yes.

Variance 1: The applicant made all reasonable efforts to remain within the existing house footprint and to improve conditions, where possible. Due to the size and configuration of the property lot and the existing house footprint, the rear setback could not be met. Minimum rear setback variance, which is below current setbacks and improves current situation, is required.

Variance 2: The 0.8 foot side setback shortage is for existing structure and is the minimum required for the structure to remain and be used as it was purchased.

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

Applicant Response:

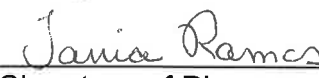
Yes.

Variance 1: Proposed house remodel will not be injurious to the area involved or otherwise detrimental to the public welfare. The requested variance is for the improved house which will beautify the look of the property, will be energy efficient, and will add to the overall value of the similar properties on the street.

Variance 2: Requested variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The 0.8 foot side setback shortage is for existing structure and is the minimum required for the structure to remain and be used as it was purchased.

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 SURVEY

IN A PORTION OF SECTION 12, TOWNSHIP 25 SOUTH,  
RANGE 36 EAST, BREVARD COUNTY, FLORIDA

## SURVEY REPORT:

- The intended purpose of this survey is for boundary information and improvements only, as shown herein.
- The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible that there are documents of record unrecorded deeds, easements or other instruments that could affect the boundaries to the subject property.
- This survey does not reflect or determine ownership.
- This survey meets or exceeds the minimal horizontal control accuracy of 1:7500 for a suburban survey.
- Measurements shown herein are expressed in feet and decimal parts thereof.
- Dimensions shown are taken at the exposed areas of improvements, underground footers, foundations, utilities or other subsurface structures are not located for the purpose of this survey.
- Bearings shown herein are based on the West Right of Way line of County Road (South Tropical Trail), having a bearing of S6°35'03"E, between recovered monumentation.
- This drawing is not valid unless bearing an original signature and embossed land surveyor's seal.
- The Northeast corner of Lot 10 as shown is assumed in order to depict the less and except area along the North line of subject site, which seems to agree with occupation.

## ABBREVIATIONS

- BT Building Tie  
(M) Measured Information  
(C) Calculated Information  
(D) Described Information  
A/C Air Conditioner  
CP Concrete Pad  
CD Concrete Drive  
CM Concrete Monument  
ORB Official Records Book  
P Page or Pages  
ID Identification  
WF Wood Fence  
OWH Overhead Wire  
CLP Chain Link Fence

## LEGEND

- Set 5/8" iron rebar with cap marked LR 7979  
● Found iron rebar, size 5/8" and cap identification noted  
■ Set 4"x4" concrete monument with disk marked LR 2351  
■ Existing concrete monument, size and identification #  
△ Set nail and disk marked LR 2351  
▲ Found nail and disk, No identification  
⊙ Wood Power Pole  
⊙ Water Meter  
⊙ Water Valve  
⊙ Fire Hydrant  
⊙ Concrete Utility Pole  
x Elevations

## FEMA FLOOD

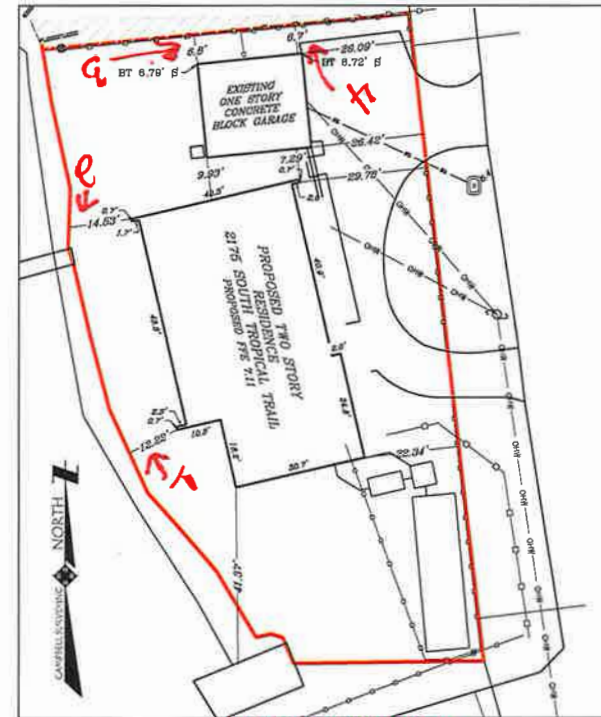
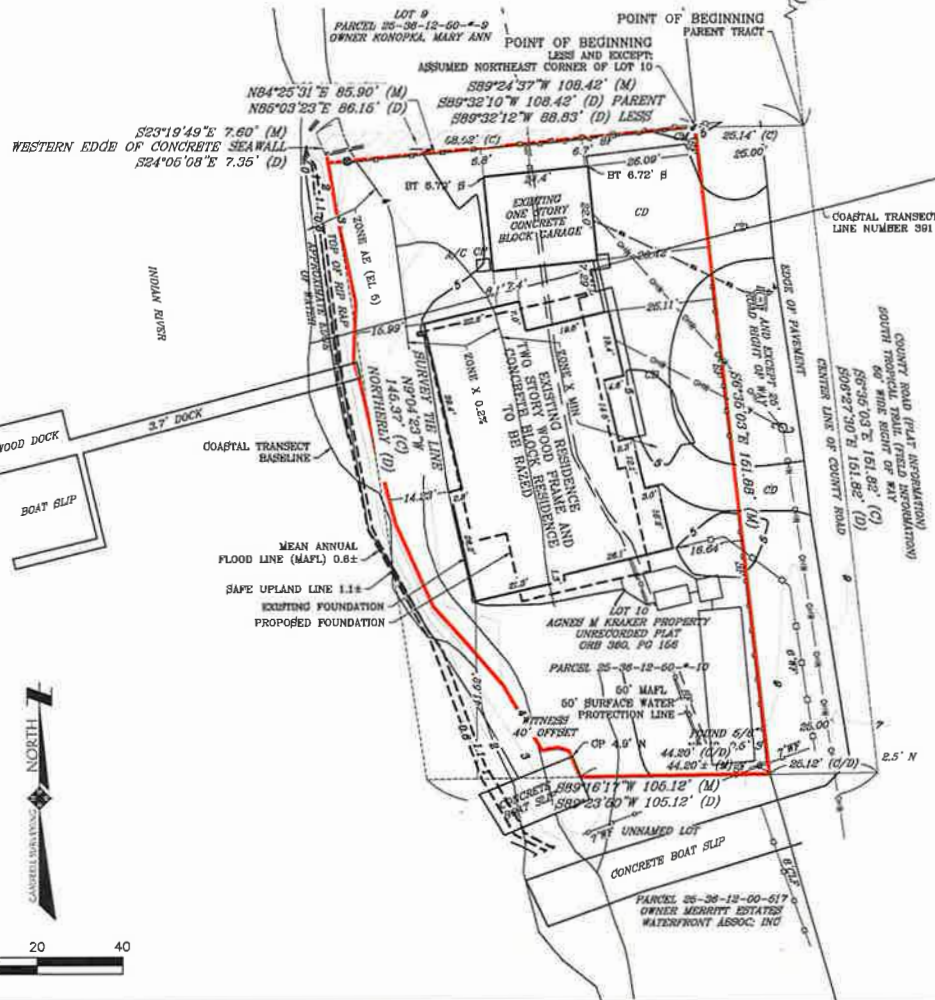
FOR INFORMATION ONLY:  
The surveyor no longer certifies the F.E.M.A. Flood Zones. This certification is made by an independent contractor of the Federal Government. As a courtesy to the client, this surveyor feels that the subject parcel appears to lie in F.I.R.M. Zone "X" Community Panel No. 12009C0435H dated 1/29/21.

## LEGAL DESCRIPTION

A parcel of land located in Government Lot 2 of section 12, Township 25 South, Range 36 East, Brevard County, Florida, described as follows: From the North line of Government Lot 2 of Section 12, Township 25 South, Range 36 East, run the center line of the County Road South 01°07'30" East, 406.88 feet and South 06°27'30" East, 561.01 feet to the POINT OF BEGINNING of the land herein described; from said POINT OF BEGINNING, for a first course, run South 89°32'10" West, 108.42 feet to and into the waters of the Indian River; thence return to the POINT OF BEGINNING; and, for a second course, run the center line of the County Road South 06°27'30" East, a distance of 151.82 feet to a point; and, for a third course, run South 89°23'50" West, 105.12 feet to and into the waters of the Indian River; and, for a fourth course, run the waters of the Indian River Northerly to the point of terminus of the first course aforesaid; being Lot 10 on a plat of a survey of the Agnes M. Kraker property subdivision, unrecorded, as shown in Deed Book 360, Page 159, of the Public Records of Brevard County, Florida.

LESS AND EXCEPT road right-of-way  
and  
LESS AND EXCEPT the following:

A portion of Lot 10 in Agnes M. Kraker Subdivision, as it is described in Deed Book 360, Page 159, of the Public Records of Brevard County, Florida, the same being more particularly described as follows:  
Begin at the Northeast corner of said Lot 10 and run South 89°32'12" West for 88.83 feet to the Western edge of a concrete seawall; thence run South 24°05'08" East along the Western edge of said concrete wall for 7.35 feet; thence run North 85°03'23" East, for 86.15 feet to the Point of Beginning.



PROPOSED BUILDING DETAIL  
SCALE: 1" = 30'

Site Location: 2175 South Tropical Trail, Merritt Island, FL 32952

Drawn by:  
A.R.  
Scale:  
1" = 20'  
Date:  
12/28/21

Project #  
2021-351

DATE



## BOUNDARY SURVEY

Certified to:  
ANDREW AND IRYNA AFONG

I hereby certify that the survey shown herein is true and correct based on actual measurements taken in the field. This survey meets the Standards of Practice as set forth by the Florida Board of Professional Land Surveyors found in Chapter 5J-17.052, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

*John R. Campbell*  
John R. Campbell  
Professional Surveyor & Mapper #2351  
State of Florida

Designed by:  
*John Campbell*  
0002403027418...  
04-19-2022 | 12:05 PM PDT