



Board of Adjustment
Brevard County Government Center
2725 Judge Fran Jamieson Way, Building C, Commission Room, Viera, Florida
Agenda
Wednesday, April 17, 2024

Call To Order - 1:30 p.m.

Approval of Minutes - March 20, 2024

G. Public Hearings

- G.1.** Monica & Thomas E. Phillips (Matthew Denyer) requests two variances for an accessory structure and one variance for the setback from a seawall or bulkhead in an RU-1-11 zoning classification. (24V00008) (Tax Account 2438320) (District 2)
- G.2.** Dennis Burke (Jon Brunner) requests one variance for an accessory structure in an RR-1 (Rural Residential) zoning classification. (24V00009) (Tax Account 2821814) (District 3)

Public Comment

Adjournment

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

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

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



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.1.

4/17/2024

Subject:

Monica & Thomas E. Phillips (Matthew Denyer) requests two variances for an accessory structure and one variance for the setback from a seawall or bulkhead in an RU-1-11 zoning classification. (24V00008) (Tax Account 2438320) (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 two variances for an accessory structure and one variance for the setback from a seawall or bulkhead in an RU-1-11 (Single-Family Residential) zoning classification.

Summary Explanation and Background:

Monica & Thomas E. Phillips (Matthew Denyer) requests variances of Chapter 62, Article VI, Brevard County Code, 1.) Section 62-1340(5)(b), to permit a variance of 6.5 ft. from the required 7.5-ft. minimum side (East) setback required for an accessory structure, 2.) Section 62-1340(5)(b), to permit a variance of 7 ft. from the required 7.5-ft. minimum rear setback required for an accessory structure, and 3.) Section 62-2121(a), to permit a variance of 9.5 ft. from the minimum 10-ft. setback from a seawall or bulkhead in an RU-1-11 (Single-Family Residential) zoning classification. The property is 0.19 acres, located on the south side of Anchor Lane, approx. 625 ft. west of Captains Row. (1335 Anchor Ln., Merritt Island)

Clerk to the Board Instructions:

None



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

TO: Board of Adjustment Members
FROM: Paul Body, Senior Planner
Thru: Jeffrey Ball, AICP, Planning & Zoning Manager
SUBJECT: Variance Staff Comments for Wednesday, April 17, 2024
DATE: March 25, 2024

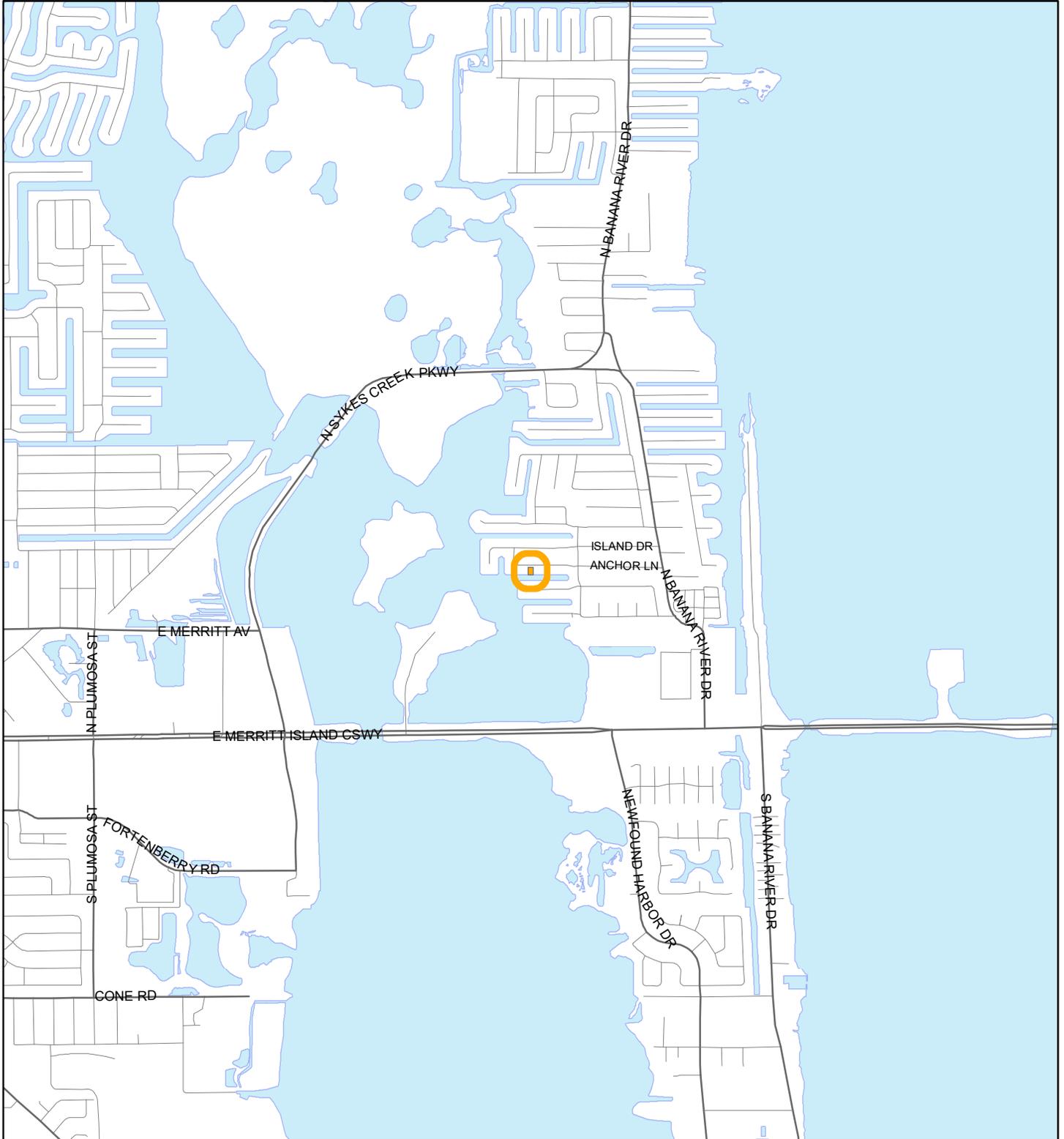
DISTRICT 2

1. (24V00008) Monica & Thomas E. Phillips (Matthew Denyer) requests variances of Chapter 62, Article VI, Brevard County Code, 1.) Section 62-1340(5)(b), to permit a variance of 6.5 ft. from the required 7.5-ft. minimum side (East) setback required for an accessory structure, 2.) Section 62-1340(5)(b), to permit a variance of 7 ft. from the required 7.5-ft. minimum rear setback required for an accessory structure, and 3.) Section 62-2121(a), to permit a variance of 9.5 ft. from the minimum 10-ft. setback from a seawall or bulkhead in an RU-1-11 (Single-Family Residential) zoning classification. This request represents the applicant's request to build a 532 sq. ft. accessory structure (covered shade structure). The applicant states there is no other area to place the shade structure. A portion of the side and rear 5 foot wide Public Utilities and Drainage Easements the proposed accessory structure is located in was vacated by the Board of County Commissioners on February 6, 2024, per Resolution 2024-012. The first request equates to an 87% deviation of what the code allows. The second request equates to a 93% deviation of what the code allows. The third request equates to a 95% deviation of what the code allows. There are no variances to the accessory setback requirements in the immediate area. There is no code enforcement action pending with the Brevard County Planning and Development Department. If the Board approves the variances, it may want to limit its approval as depicted on the survey provided by the applicant with a survey date of 9/08/2023.

LOCATION MAP

PHILLIPS, THOMAS EARL

24V00008



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.

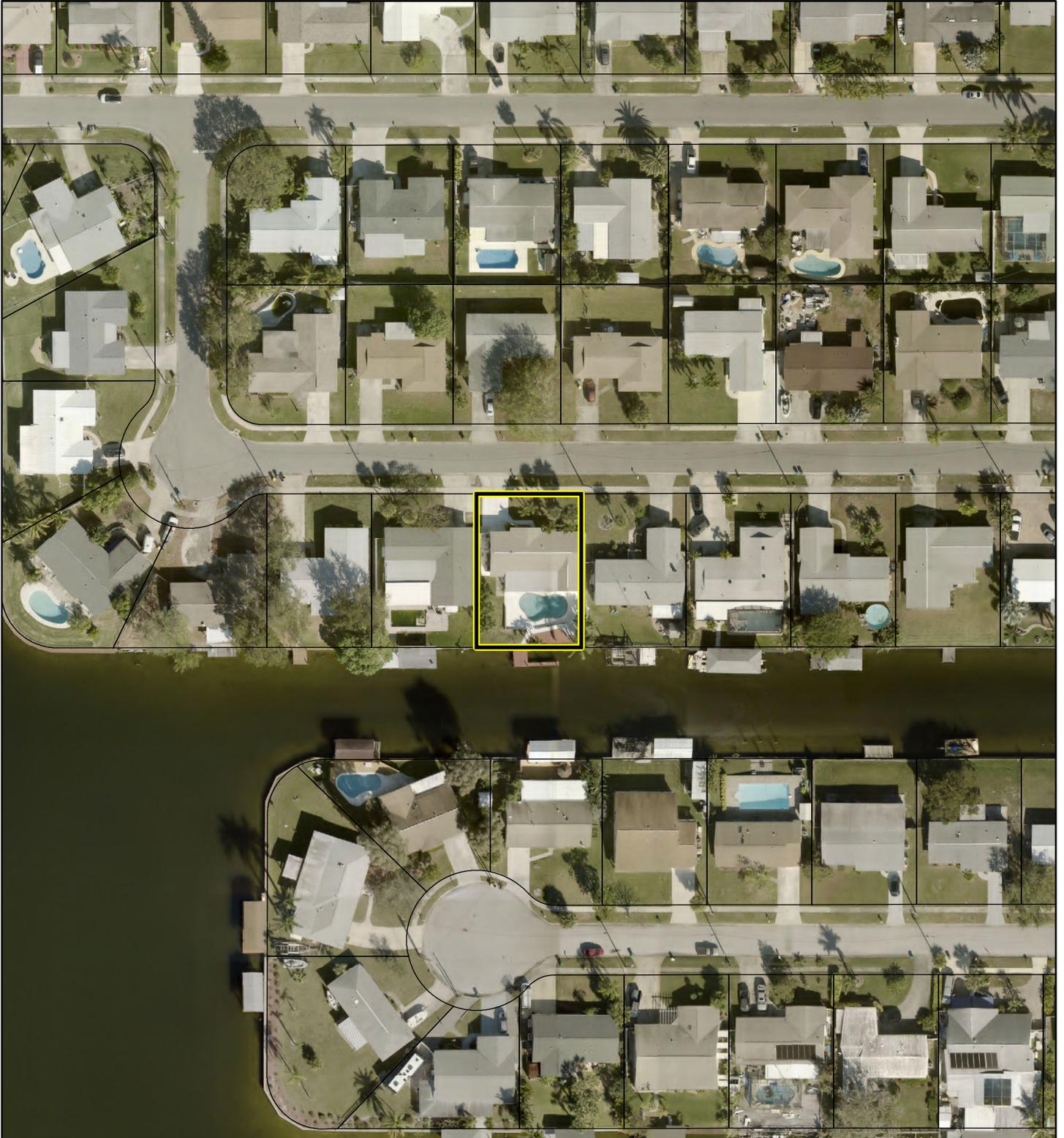
Produced by BoCC - GIS Date: 2/29/2024

-  Buffer
-  Subject Property

AERIAL MAP

PHILLIPS, THOMAS EARL

24V00008



1:1,200 or 1 inch = 100 feet

PHOTO YEAR: 2023

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

Produced by BoCC - GIS Date: 2/29/2024

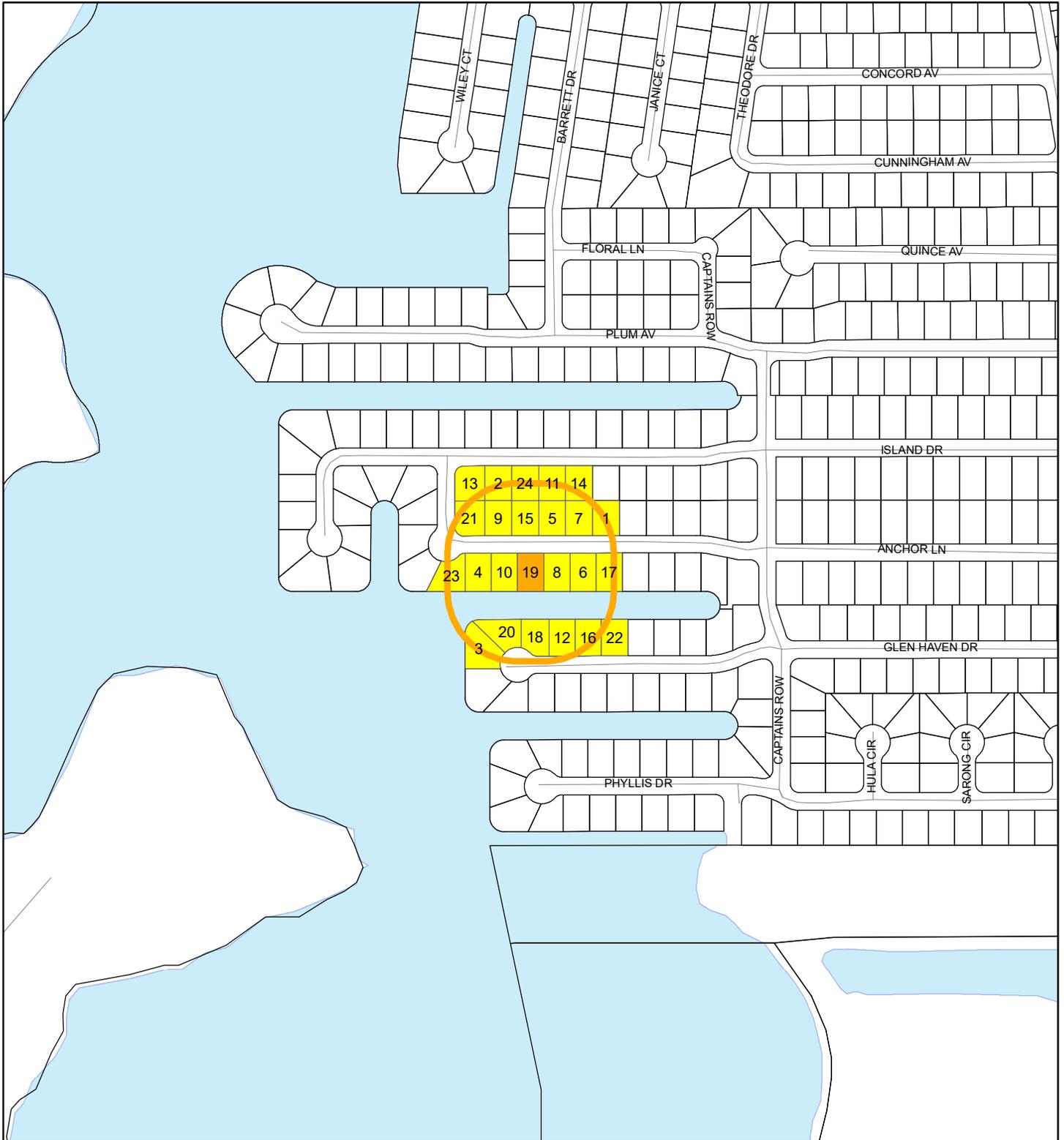
 Subject Property

 Parcels

RADIUS MAP

PHILLIPS, THOMAS EARL

24V00008



1:4,800 or 1 inch = 400 feet

Buffer Distance: 200 feet

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

Produced by BoCC - GIS Date: 2/29/2024

- Buffer
- Subject Property
- Notify Property
- Parcels



BOARD OF COUNTY COMMISSIONERS

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

VARIANCE HARDSHIP WORKSHEET

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

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

Case Number: _____

Contractor: _____

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 here at 1335 Anchor Lane sits along a canal in Brevard which has a Surface Water Protection Buffer. Because of this, and the location of the existing pool, and the set backs along the sides of property, we are unable to build a covered shade structure for our backyard without the need of a variance.



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

Applicant Response:

I do not believe any special conditions or circumstances are resulting from our actions. There are many structures in similar areas along the canals of Brevard County, and our Landscape Designer has helped a previous client in Merritt Island, on a canal, successfully receive a variance for a similar project.

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:

There are many structures in similar areas along the canals of Brevard County, and is a safe, hurricane rated structure that is designed and engineered and signed off by public engineer to ensure the public safety of the 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:

Due to the surface water protection buffer, and the size of the property, it would be very difficult to have a shade structure in our backyard without some how encroaching either on an easement or the surface water protection buffer.

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 variance request is the minimum requested distance to make the shade structure work properly and safely.

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:

We believe that this variance will be in harmony with the general good of the public welfare, and will be an improvement to the aesthetic of the property, and will help maintain or increase home values for neighboring home-owners.

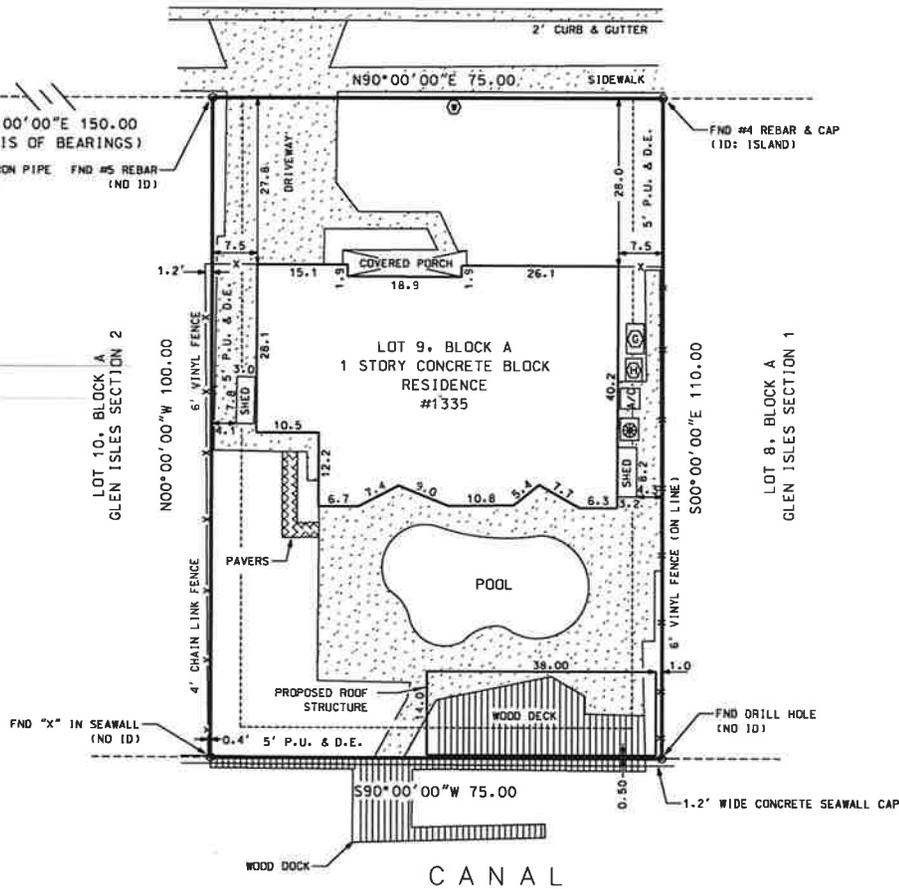
I fully understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by a Planning and Development representative. I am fully aware it is my responsibility to prove complete compliance with the aforementioned criteria.


Signature of Applicant


Signature of Planner

ANCHOR LANE

50' R/W



REVISIONS	
DESCRIPTION	DATE
ADDED PROPOSED ROOF STRUCTURE	9/08/2023

LEGAL DESCRIPTION:
 LOT 9, BLOCK "A", GLEN ISLES SEC. 2,
 ACCORDING TO THE PLAT THEREOF, AS
 RECORDED IN PLAT BOOK 20, PAGE 36
 OF THE PUBLIC RECORDS OF
 BREVARD COUNTY, FLORIDA.

SURVEYOR'S NOTES:

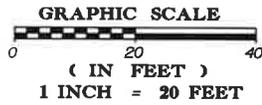
1. FLOOD ZONE 'X SHADED' PER FLOOD INSURANCE RATE MAP 12009C0435H, 01/29/2021.
2. FENCE OWNERSHIP UNKNOWN.
3. NO APPARENT ENCROACHMENTS NOTED.
4. SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.
5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH.
6. SURVEY DOES NOT WARRANT TITLE.
7. UNDERGROUND FOUNDATIONS AND/OR UTILITIES NOT LOCATED AT TIME OF SURVEY.
8. BEARINGS DEPICTED HEREON ARE PLAT BEARINGS AND ARE BASED ON THE NORTH RIGHT OF WAY LINE OF ANCHOR LANE HAVING A BEARING OF N90°00'00"E.
9. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE CLIENT(S) SHOWN HEREON AND COPIES ARE VALID ONLY WITH THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR & MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REFERENCED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODES.

ABBREVIATIONS:	CB CONCRETE BLOCK	SYMBOL LEGEND:
FND FOUND	CLF CHAIN LINK FENCE	⊕ WATER METER
N&D NAIL & DISK	A/C AIR CONDITIONER	⊕ WATER HEATER
ID IDENTIFICATION	S/W SIDEWALK	⊕ POWER POLE
C/L CENTERLINE	EOP EDGE OF PAVEMENT	⊕ GENERATOR
PCP PERMANENT CONTROL POINT		⊕ TRANSFORMER
PRM PERMANENT REFERENCE MONUMENT		⊕ WATER GATE
P&M PLAN & MEASURE TYP TYPICAL		⊕ FIRE HYDRANT
D&M DEED & MEASURE REC RECOVERED		⊕ PUMP
P.U. & D.E. PUBLIC UTILITIES & DRAINAGE EASEMENT		⊕ GAS METER
P.U.E. PUBLIC UTILITIES EASEMENT		⊕ TELEPHONE BOX
FPL ESMT FLORIDA POWER & LIGHT EASEMENT		⊕ TV CABLE BOX
		⊕ CONCRETE

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE SURVEY DEPICTED HEREON IS TRUE AND MEETS THE STANDARDS OF PRACTICE FOR SURVEYS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.051 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Digitally signed by David J Kugelmann
 Date: 2023.09.12 14:33:05 -04'00'

David J Kugelmann
 DAVID J. KUGELMANN P.L.S. NO. 5117
 STATE OF FLORIDA



SIGNATURES	DATE	KUGELMANN LAND SURVEYING, INC. 30 NORTH TROPICAL TRAIL, SUITE B MERRITT ISLAND, FLORIDA 32953 L.B. NO. 6575 - PHONE (321) 459-0930
DRAWN: DJK	09/08/23	
CHECKED: DJK	09/08/23	MAP OF BOUNDARY SURVEY PREPARED FOR AND CERTIFIED TO: THOMAS E. & MONICA C. PHILLIPS
SURVEYOR: DJK	09/08/23	
FIELD COMPLETION	09/05/23	
FIELD BOOK NO. SK2@58		
SCALE: 1" = 20'		
	SIZE	
	B DWG. NO. V8_2023029.DGN	
	PROJ. NO. 2023029	SHEET 1 OF 1

LEGAL DESCRIPTION

EXHIBIT "A"

SHEET 1 OF 2

NOT VALID WITHOUT SHEET 2 OF 2

PARENT PARCEL ID*: 24-37-30-96-A-9

PURPOSE: VACATE PUBLIC UTILITIES & DRAINAGE EASEMENTS

LEGAL DESCRIPTION: (PREPARED BY SURVEYOR)

THE 5.00 FOOT WIDE PUBLIC UTILITIES AND DRAINAGE EASEMENTS ESTABLISHED BY THE PLAT OF GLEN ISLES SEC. 2, PER PLAT BOOK 20, PAGE 36 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, LYING ADJACENT TO THE EAST 70.0 FEET OF THE SOUTH PROPERTY LINE, AND THE SOUTH 73.00 FEET OF THE EAST PROPERTY LINE OF LOT 9, BLOCK "A", GLEN ISLES SEC. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 20, PAGE 36 OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

CONTAINING 690 SQUARE FEET, 0.016 ACRES, MORE OR LESS.

SURVEYORS NOTES:

SURVEYOR'S NOTES:

1. FLOOD ZONE 'X SHADED' PER FLOOD INSURANCE RATE MAP 12009C0435H, 01/29/2021.
2. THIS DESCRIPTION IS SUBJECT TO EASEMENTS, RESTRICTION, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
3. BEARINGS DEPICTED HEREON ARE PLAT BEARINGS AND ARE BASED ON THE SOUTH RIGHT OF WAY LINE OF ANCHOR LANE HAVING A BEARING OF N90°00'00"E.
4. THIS SKETCH AND DESCRIPTION WAS PREPARED FOR THE EXCLUSIVE USE OF THE CLIENT(S) SHOWN HEREON AND COPIES ARE VALID ONLY WITH THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL SURVEYOR & MAPPER UNLESS ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 472.025 AND THE STANDARDS OF PRACTICE FOR SURVEYS AS REFERENCED BY CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODES.

ABBREVIATIONS:

ORB OFFICIAL RECORDS BOOK
PG PAGE



Digitally signed by David J Kugelmann
Date: 2024.04.01 10:45:01 -04'00'

PREPARED FOR AND CERTIFIED TO :
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

DAVID J. KUGELMANN, PLS 5117
PROFESSIONAL LAND SURVEYOR
NOT VALID UNLESS SIGNED AND SEALED

PREPARED BY: **KUGELMANN LAND SURVEYING, INC.**
30 NORTH TROPICAL TRAIL, SUITE B
MERRITT ISLAND, FLORIDA 32953
L.B. NO. 6575 - PHONE (321) 459-0930

DRAWN BY: DJK	CHECKED BY: KKW	PROJECT NO. 2023029		SECTION 30 TOWNSHIP 24 SOUTH RANGE 37 EAST
		REVISIONS	DATE	
DATE: 10/09/2023	DRAWING: ESMT_VACATE.DGN		4/01/2024	REVISED TO SHOW VACATED PORTION OF P.U.&D.E. PER ORB 9997, PG 55

SKETCH OF DESCRIPTION

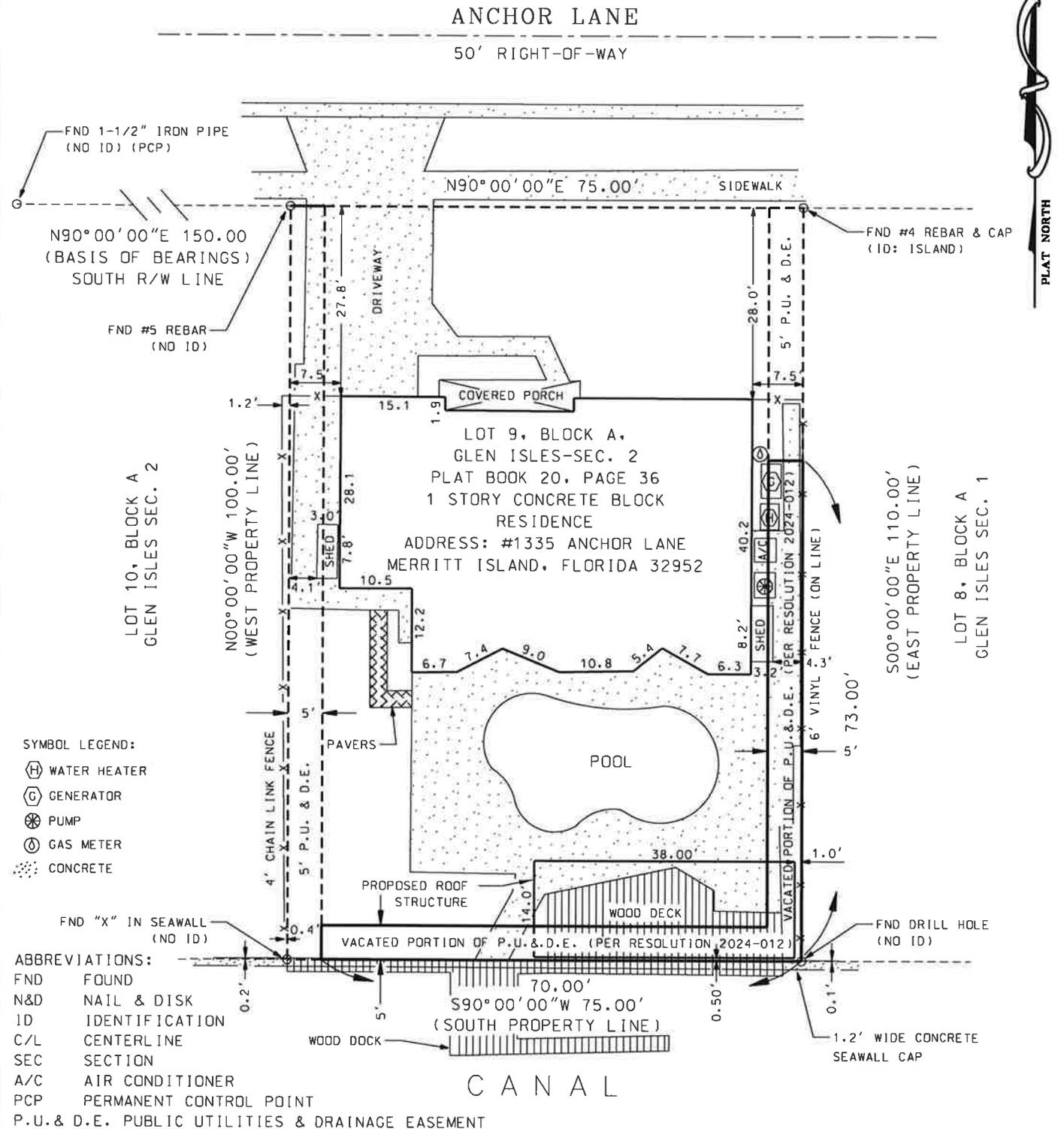
EXHIBIT "A"

SHEET 2 OF 2

NOT VALID WITHOUT SHEET 1 OF 2

PARENT PARCEL ID#: 24-37-30-96-A-9

PURPOSE: VACATE PUBLIC UTILITY & DRAINAGE EASEMENTS



- SYMBOL LEGEND:
- (H) WATER HEATER
 - (G) GENERATOR
 - (P) PUMP
 - (M) GAS METER
 - (C) CONCRETE

- ABBREVIATIONS:
- FND FOUND
 - N&D NAIL & DISK
 - ID IDENTIFICATION
 - C/L CENTERLINE
 - SEC SECTION
 - A/C AIR CONDITIONER
 - PCP PERMANENT CONTROL POINT
 - P.U. & D.E. PUBLIC UTILITIES & DRAINAGE EASEMENT

PREPARED BY: KUGELMANN LAND SURVEYING, INC. 30 NORTH TROPICAL TRAIL, SUITE B MERRITT ISLAND, FLORIDA 32953 L.B. NO. 6575 - PHONE (321) 459-0930	SCALE: 1" = 20'	SECTION 30 TOWNSHIP 24 SOUTH RANGE 37 EAST
	PROJECT NO.: 2023029	

From: [Brevard Outdoor Services](#)
To: [Body, Paul](#)
Cc: [PHILLIPS, THOMAS E.CIV USSF SSC 45 CES/CEIAP](#)
Subject: Re: Variance Application (1335 Anchor Ln)
Date: Tuesday, April 2, 2024 10:41:26 AM

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Here are the shop drawings and a photo of the location for the presentation

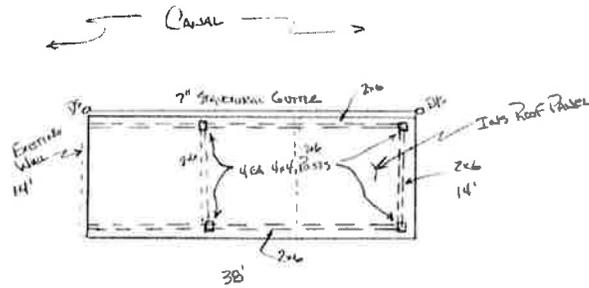




SCREEN WORK SHEET

DATE 7/18/23 COLOR: WHITE / BRONZE BOLTS
NAME BREVARDD OUTDOOR
ADDRESS 1355 AIRWAY LN # 32952
CITY/ZIP MI 32952
SUBDIV Green Isles
PHONE _____

LIGHTHOLOER, INC.
380 MYRTICE AVENUE
MERRITT ISLAND, FL 32953
(321) 463-8253



Matt Denyer
Owner
Brevard Outdoor Services
321-506-6970 Office
321-446-8225 Cell
matt@brevardoutdoor.com

On Mon, Apr 1, 2024 at 1:41 PM Body, Paul <Paul.Body@brevardfl.gov> wrote:

Hello Tommy, the digital copy will be enough.

Paul Body, Senior Planner
Brevard County Planning & Development
321-350-8261



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

G.2.

4/17/2024

Subject:

Dennis Burke (Jon Brunner) requests one variance for an accessory structure in an RR-1 (Rural Residential) zoning classification. (24V00009) (Tax Account 2821814) (District 3)

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Board of Adjustment conduct a public hearing to consider one variance for an accessory structures in an RR-1 (Rural Residential) zoning classification.

Summary Explanation and Background:

Dennis Burke (Jon Brunner) requests a variance of Chapter 62, Article VI, Brevard County Code, as follows: 1.) Section 62-2100.5(d), to permit a variance of 430.5 sq. ft. over the 50% of living area (769.5 sq. ft.) permitted for an accessory structure in an RR-1 (Rural Residential) zoning classification. The property is 1.94 acres, located on the west side of Dairy Rd., approx. 864 ft. south of Tortuga Way. (3090 Dairy Rd., Melbourne

Clerk to the Board Instructions:

None



BOARD OF COUNTY COMMISSIONERS

Inter-Office Memo

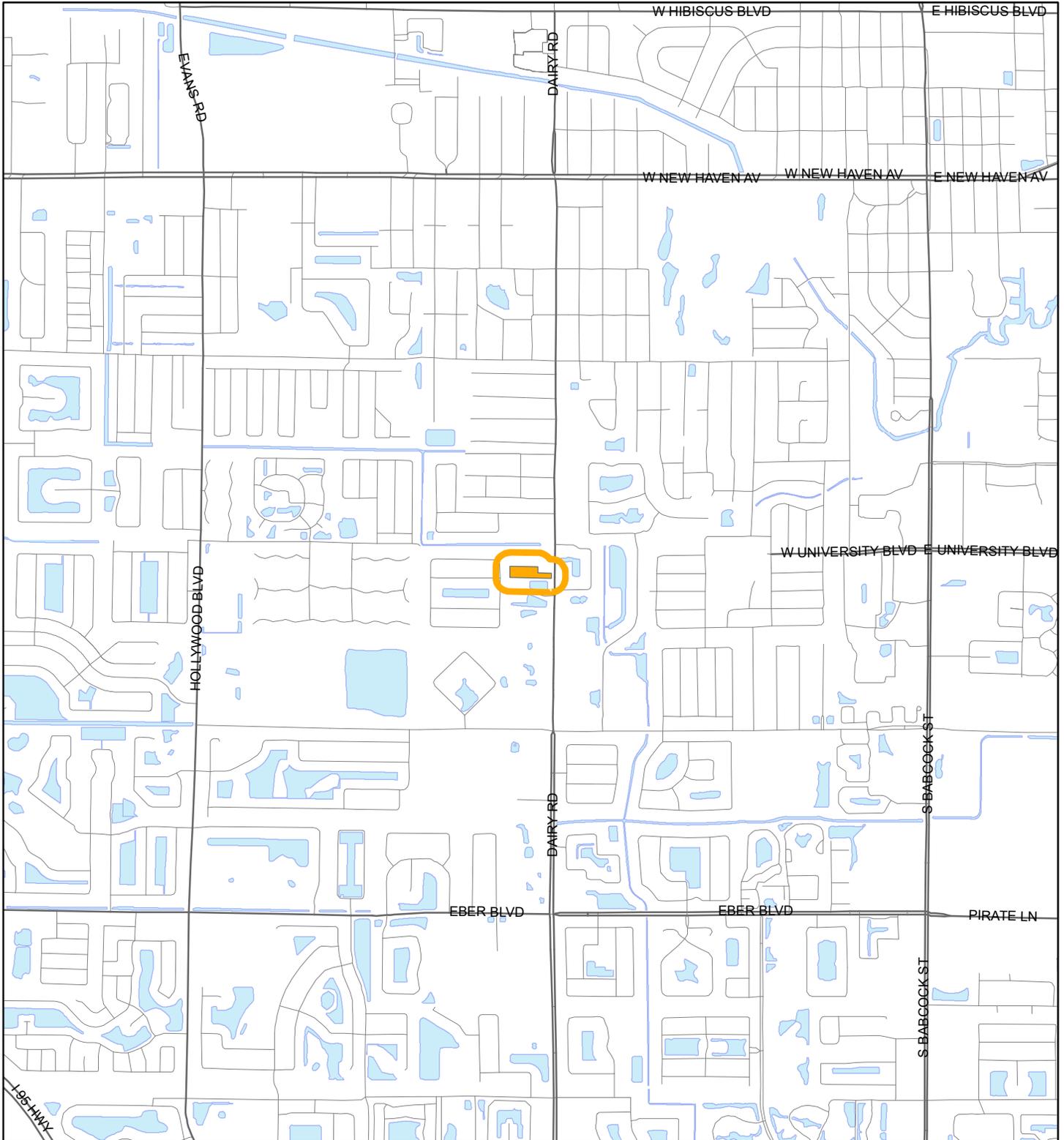
TO: Board of Adjustment Members
FROM: Paul Body, Senior Planner
Thru: Jeffrey Ball, AICP, Planning & Zoning Manager
SUBJECT: Variance Staff Comments for Wednesday, April 17, 2024
DATE: March 25, 2024

DISTRICT 3

2. (24V00009) Dennis Burke (Jon Brunner) requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-2100.5(d), to permit a variance of 431 sq. ft. over the maximum 50% (769.5 SF) of living area allowed for an accessory structure in an RR-1 (Rural Residential) zoning classification. This request represents the applicants' request to build a proposed 1,200 sq. ft. accessory structure (garage). The applicant states the size of the existing house that was built in 1974 limits the size of the accessory structure. This request equates to a 56% deviation of what the code allows. There are no variances to the accessory size requirements in the immediate area. There is no code enforcement action pending with the Brevard County Planning and Development Department. If the Board approves the variances, it may want to limit its approval as depicted on the survey provided by the applicant with a survey date of 2/26/2024.

LOCATION MAP

BURKE, DENNIS P
24V00009



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

Buffer Distance: 200 feet

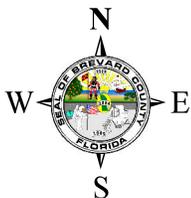
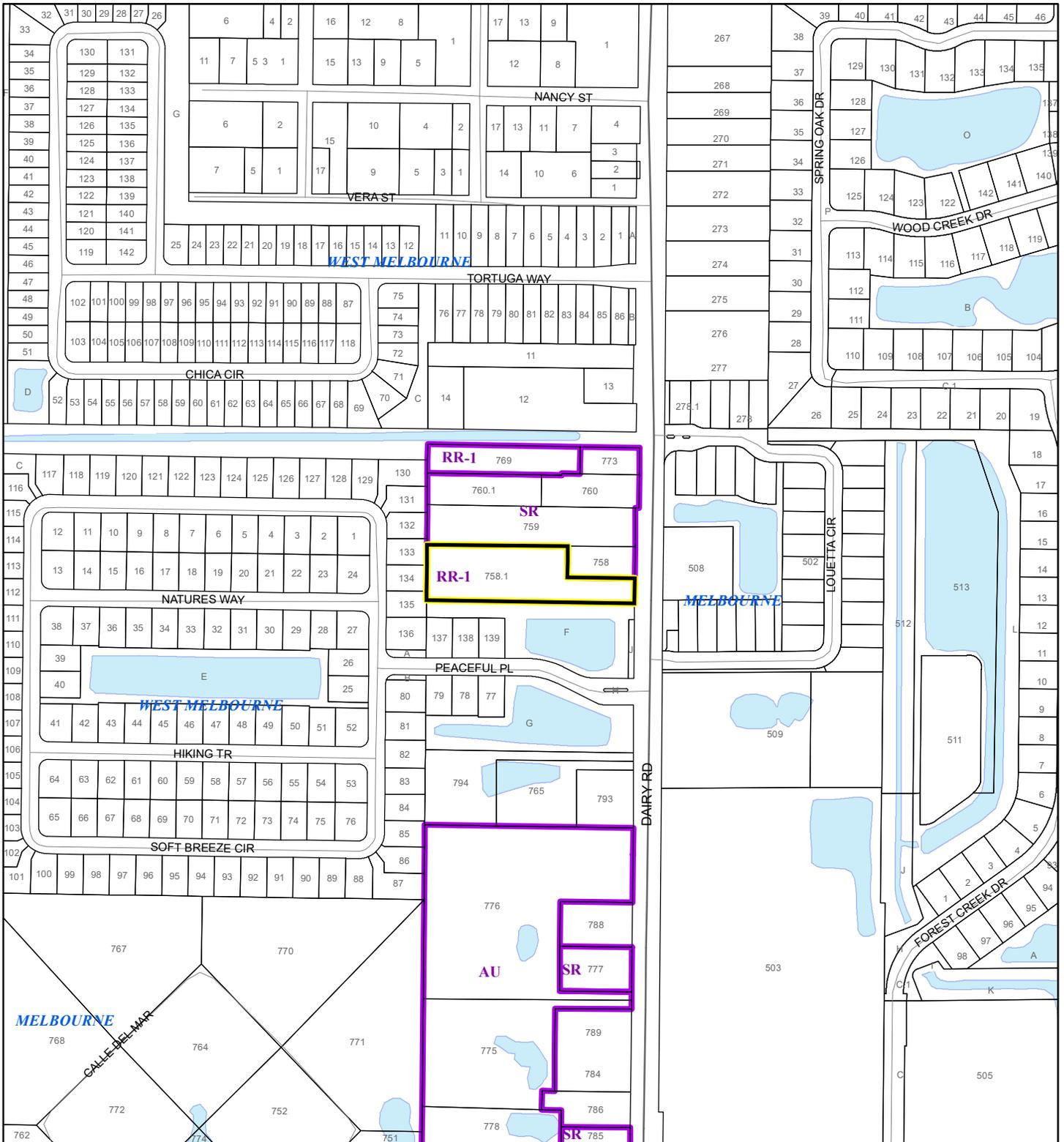
This map was compiled from recorded documents and does not reflect an actual survey. The Brevard County Board of County Commissioners does not assume responsibility for errors or omissions hereon.

Produced by BoCC - GIS Date: 2/29/2024

-  Buffer
-  Subject Property

ZONING MAP

BURKE, DENNIS P
24V00009



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: 2/29/2024

- Subject Property
- Parcels
- Zoning

AERIAL MAP

BURKE, DENNIS P

24V00009



1:2,400 or 1 inch = 200 feet

PHOTO YEAR: 2023

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

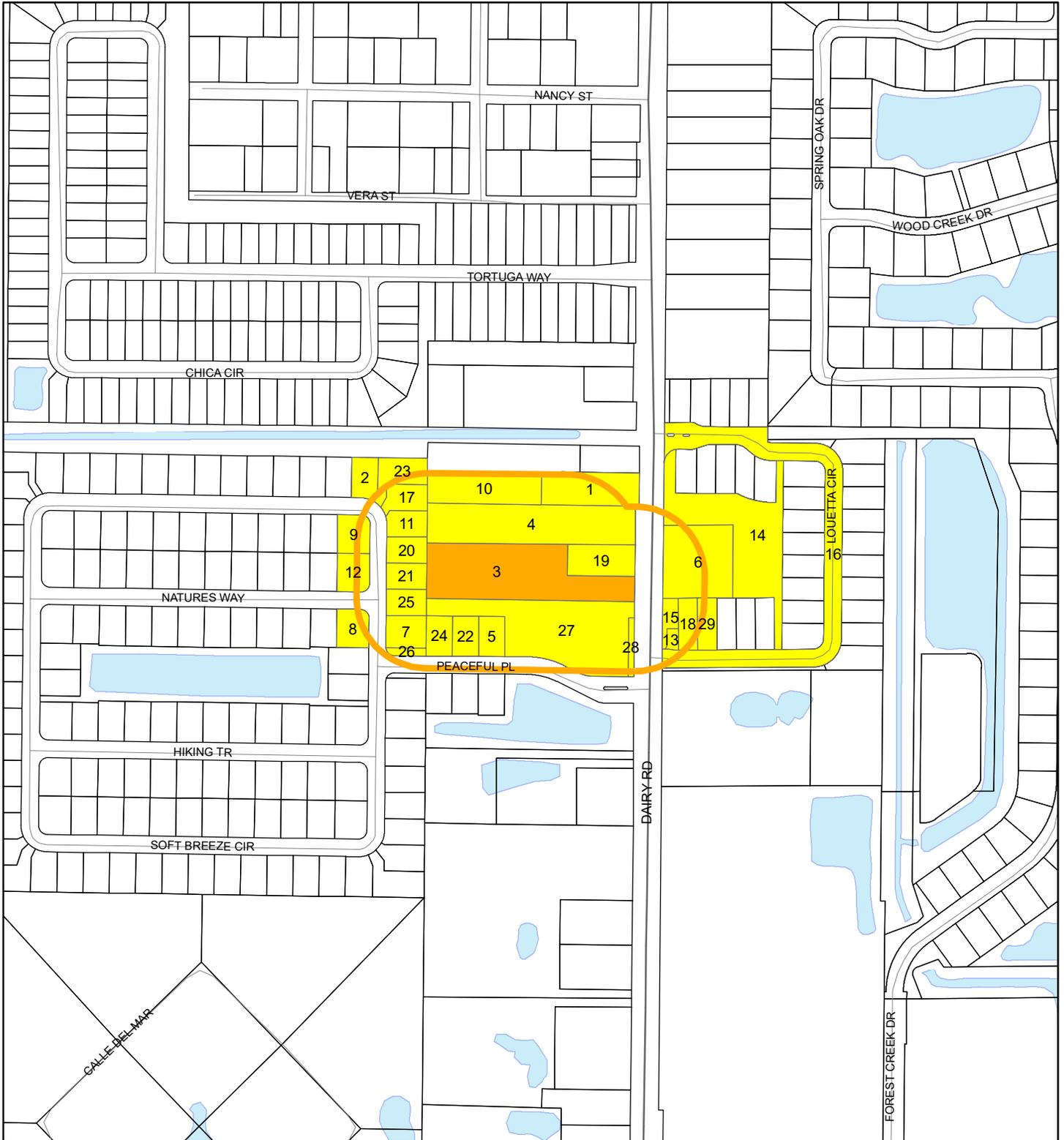
Produced by BoCC - GIS Date: 2/29/2024

 Subject Property

 Parcels

RADIUS MAP

BURKE, DENNIS P
24V00009



1:4,800 or 1 inch = 400 feet

Buffer Distance: 200 feet

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

Produced by BoCC - GIS Date: 2/29/2024

- Buffer
- Subject Property
- Notify Property
- Parcels



BOARD OF COUNTY COMMISSIONERS

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

VARIANCE HARDSHIP WORKSHEET

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

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

Case Number: N/A

Contractor: N/A

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:

None to my knowledge

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

Applicant Response:

No

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

Applicant Response:

The proposed building will comply in future.

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:

Current structure is ~~1000 sq ft~~ ^{1539 sq ft}. Due to that we cannot build 1200 sq ft building. The intent is to build a future ^{home} at least 2400 sq ft and removing the existing 1000 sq ft. ~~Office~~

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

Applicant Response:

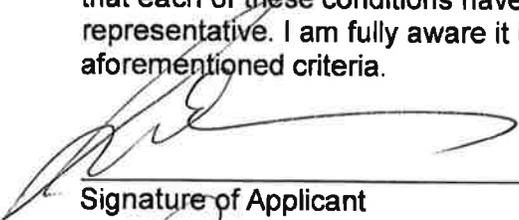
Yes

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:

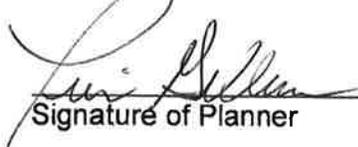
Applicant Response:

No will affect the current zoning
conditions

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

LEGEND

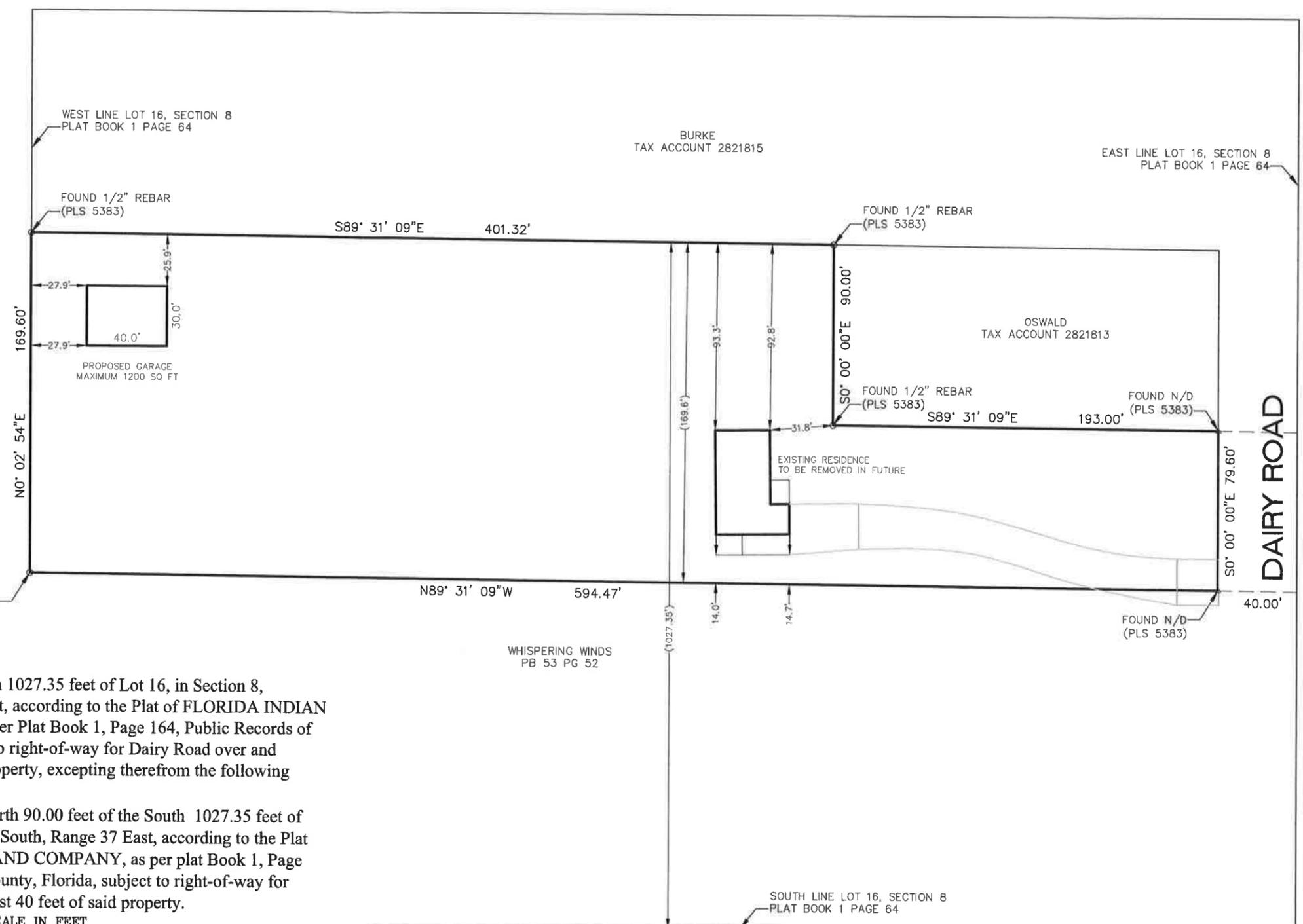
CONC	CONCRETE	CMP	CORRUGATED METAL PIPE
MAG	MAGNETIC	ROP	REINFORCED CONCRETE PIPE
MAS	MASONRY	HDPP	HIGH DENSITY POLYETHYLENE PIPE
C/L	CENTERLINE	PU&DE	PUBLIC UTILITIES & DRAINAGE EASEMENT
EOP	EDGE OF PAVEMENT	NAVD	NATIONAL GEODETIC VERTICAL DATUM OF 1988
FT	FOOT	NGVD	NORTH AMERICAN VERTICAL DATUM OF 1929
PB	PLAT BOOK	PLS	PROFESSIONAL LAND SURVEYOR
ORB	OFFICIAL RECORD BOOK	RLS	REGISTERED LAND SURVEYOR
PG	PAGE	PSM	PROFESSIONAL SURVEYOR & MAPPER
WM	WATER METER	CA	LICENSED BUSINESS
SS	SANITARY SEWER	RAD	CENTRAL ANGLE
UB	UTILITY BOX	LB	RADIUS
LP	LIGHT POLE	EL	ELEVATION
S/W	SIDEWALK	FF	FINISH FLOOR
R/W	RIGHT OF WAY	RNG	RANGE
PO	POWER POLE	SEC	SECTION
OH	OVERHEAD WIRES	TWP	TOWNSHIP
○	CORNER MARKER RECOVERED	COV	COVERED
●	CORNER MARKER SET	INT	INTERSECTION
PCP	PERMANENT CONTROL POINT	AVE	AVENUE
PC	POINT OF CURVE	BLVD	BOULEVARD
PT	POINT OF TANGENCY	CRT	COURT
PRC	POINT OF REVERSE CURVE	PL	PLACE
PCC	POINT OF COMPOUND CURVE	ST	STREET
PI	POINT OF INTERSECTION	SQ	SQUARE
(---)	INDICATES RECORD DATA	TERR	TERRACE
(x0.0)	INDICATES GROUND ELEVATION	BSL	BUILDING SETBACK LINE
(→)	INDICATES SURFACE WATER FLOW	A/C	AIR CONDITIONER
△	INDICATES NAIL OR NAIL AND DISK	M/T	MAGNETIC NAIL & TIN TAB
		N/D	NAIL & DISK
		---	INDICATES PROPOSED GRADE WELL

NOTES:

1. THE LANDS SURVEYED LIE WITHIN FLOOD ZONE X PER FLOOD INSURANCE RATE MAP NO. 12061C, COMMUNITY 125092, PANEL 0584G, DATED MARCH 17, 2014. THIS LOCATION IS BASED ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. FINAL LOCATION AND FLOOD ZONE DETERMINATION REST WITH SAID AGENCY. THIS SURVEYOR ASSUMES NO RESPONSIBILITY FOR SAID LOCATION AND DETERMINATION.
2. THERE MAY OR MAY NOT BE RECORDED OR UNRECORDED RIGHTS OF WAY RESERVATIONS OR RESTRICTIONS AFFECTING THE LANDS SURVEYED.
3. UNLESS SHOWN OTHERWISE, THERE ARE NO ENCROACHMENTS, GAPS OR OVERLAPS. FENCE OWNERSHIP, IF ANY IS NOT KNOWN, FOUNDATIONS BENEATH THE SURFACE ARE NOT LOCATED.
4. UNLESS SHOWN OTHERWISE, DIMENSIONS AND DIRECTIONS SHOWN ARE FIELD MEASURED AND ARE THE SAME AS RECORD DATA.
5. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
6. THIS SURVEY WAS MADE FOR THE PURPOSE DESCRIBED, AND SHALL BE USED FOR NO OTHER PURPOSE WHATSOEVER. "THE SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER", EXCEPT THOSE WITH ELECTRONIC SIGNATURE AND ELECTRONIC SEAL.
7. BEARINGS REFER TO THE LINE INDICATED BASED ON RECORD INFORMATION OBTAINED FROM PLAT OR DEED.
8. ELEVATIONS INDICATED HEREON ARE IN FEET AND DECIMALS, BASED ON THE PROJECT BENCHMARK DATUM AS SHOWN. PROJECT BENCHMARK ELEVATIONS ESTABLISHED BASED ON A LEVEL LOOP BENCH RUN REFERENCED TO DESCRIBED CONTROL MONUMENT.
9. THIS SURVEY WAS PREPARED FROM THE AVAILABLE DATA BASED ON THE DESCRIPTION PROVIDED BY THE CLIENT. THE UNDERSIGNED SURVEYOR DID NOT CONDUCT A TITLE SEARCH AND DID NOT RECEIVE ATTORNEY'S TITLE OPINION, UNLESS OTHERWISE NOTED HEREON. LANDS DESCRIBED AND GRAPHICALLY SHOWN ON THIS SURVEY WERE NOT ABSTRACTED FOR ANY ENCUMBRANCES WHATSOEVER. SURVEY AND DRAWING IS THE PROFESSIONAL STATEMENT OF THE SIGNING SURVEYOR, BASED ON FIELD AND DOCUMENTARY EVIDENCE.
10. THIS SURVEY AND DRAWING IS MADE TO COMPLY WITH THE STATE OF FLORIDA "STANDARDS OF PRACTICE, PER CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE".

WHISPERING WINDS
PB 53 PG 52

1/2" REBAR
(PLS 5383)

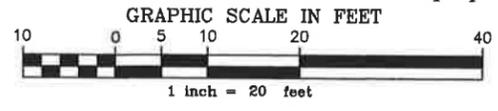


The North 169.60 feet of the South 1027.35 feet of Lot 16, in Section 8, Township 28 South, Range 37 East, according to the Plat of FLORIDA INDIAN RIVER LAND COMPANY, as per Plat Book 1, Page 164, Public Records of Brevard County, Florida, subject to right-of-way for Dairy Road over and across the East 40 feet of said property, excepting therefrom the following described property:

The Easterly 233.00 feet of the North 90.00 feet of the South 1027.35 feet of Lot 16, in Section 8, Township 28 South, Range 37 East, according to the Plat of FLORIDA INDIAN RIVER LAND COMPANY, as per plat Book 1, Page 164, Public Records of Brevard County, Florida, subject to right-of-way for Dairy Road over and across the East 40 feet of said property.

THIS SURVEY IS CERTIFIED TO AND SPECIFICALLY MADE FOR

DATE OF FIELD SURVEY: FEBRUARY 21, 2024



JON E. BRUNNER, FLORIDA PSM 6431
STATE OF FLORIDA

F.B./P. 608/79	DATE: 2/26/24
DRAWN BY:	SCALE: 1" = 20'
CHECKED BY: JEB	DWG. # 070-24



801 Carolin Street Melbourne, FL 32901
8175 S. Virginia St. No. 850 Reno, NV 89511
phone (321)728-1961 info@brunner-hagen.com

LAND SURVEYORS
CONSULTING ENGINEERS

MAP OF BOUNDARY SURVEY FOR
JON EDWARD BRUNNER RLT

PROJECT NO:
070-24
SEC. 8
TWP. 28 S.
RNG. 37 E.