

## RESOLUTION 23V00003

WHEREAS, the Brevard County Board of Adjustment met in session the 15th day of February, 2023; and

WHEREAS, **Anthony V. and Kathleen E. DiLella** have applied to the Brevard County Board of Adjustment for variances on property described as Lot 8, Block E, West Point Addition to Snug Harbor Estates, a subdivision according to the Plat thereof, as recorded in Plat Book 11, Page 88, of the Public Records of Brevard County, Florida. **Section 22, Township 25, Range 37.** (0.35 acres) Located on the westerly side of Bay Shore Dr., approx. 0.14 mile northwest of West Point Dr. (1742 Bay Shore Dr., Cocoa Beach); and

WHEREAS, this Board, having heard the following variance requests on the subject property: Chapter 62, Article VI, Brevard County Code, as follows: 1) Section 21-2118(d)(3), to permit a variance of 2.48 ft. over the 15.52-ft. projection (20% the width of the waterway) for a boat dock; 2.) Section 62-1340(5)(b), to permit a variance of 2 ft. from the required 7.5-ft. side (west) setback for an accessory structure, in an RU-1-13 (Single-Family Residential) zoning classification; and

WHEREAS, this Board after hearing all testimony and facts presented in this matter; and

WHEREAS, this Board, after considering the criteria established by Section 62-253 of Chapter 62, Article II of the Brevard County Code; and

NOW THEREFORE, BE IT RESOLVED, that the Brevard County Board of Adjustment does hereby find that the facts as set forth at the meeting held on February 15, 2023, are not sufficient to meet the criteria of Section 62-253, Chapter 62, Article II, Brevard County Code, and the above described Variance No. 2 is APPROVED as depicted on the survey provided by the applicant; and Variance No. 1. is TABLED to the next available Board of Adjustment meeting after the applicant meets with staff to determine if an alternate or additional variance is required.

BE IT FURTHER RESOLVED, that the Planning & Development Director, or designee, is hereby directed to make a notation on the official zoning maps of Brevard County, Florida, indicating this action.

DONE, ORDERED AND ADOPTED, in Regular Session, the 15<sup>th</sup> day of February, A.D., 2023.

Attest:

BOARD OF ADJUSTMENT OF  
BREVARD COUNTY, FLORIDA


Date:

2/15/23

Date:

2/15/23

By:



Tad Calkins, Director  
Planning and Development Department

By:



Dale Rhodes, Chair

The granting of this variance does not guarantee physical development of the property. At the time of development, said development must be in accordance with the criteria of the Brevard County Comprehensive Plan and other applicable laws and ordinances. 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 order is signed, apply to a court of competent jurisdiction for appropriate relief.