



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: Paul Body, Planner III

FROM: Jeffrey Ball, AICP, Planning & Zoning Manager

SUBJECT: Variance Staff Comments for Wednesday, May 17, 2023

DATE: April 25, 2023

DISTRICT 2

2. (23V00011) Ernesto Diaz requests a variance of Chapter 62, Article VI, Brevard County Code, Section 62-2118(d)(3), to permit a variance of 3.1 ft. over the maximum 16-ft. projection (20% of the width of the waterway) permitted for a boat dock, in an RU-1-11 (Single-Family Residential) zoning classification. This request represents the applicant's request to legitimize a new dock to final the building permit (22BC16972). The applicant states that the existing seawalls were failing and could not be remove. As the seawalls could not be removed a new seawall (22BC10516) was built in front of the exist seawalls 4.9 feet into the canal. The dock projection is measured from the rear property line of the parcel, not the seawall, which resulted in the dock being built over the projection permitted. This request equates to a 19% deviation to what the code allows. There is no variance to the dock projection requirements in the immediate area. There is no code enforcement action pending with the Brevard County Planning and Development Department. If the Board approves this variance, it may want to limit its approval as depicted on the survey provided by the applicant with a dock as-built date of 10/14/2022.