



BOARD OF COUNTY COMMISSIONERS

## Inter-Office Memo

TO: Board of Adjustment Members

FROM: Paul Body, Senior Planner

Thru: Trina Gilliam, Planning & Zoning Manager

SUBJECT: Variance Staff Comments for Wednesday, February 18, 2026

DATE: January 29, 2026

### DISTRICT 5

**(25V00095) Craig V. and Vicki L. Sorensen** request a variance of Chapter 62, Article VI, Brevard County Code as follows; 1.) Section 62-2100.5(b) to allow 604 sq. ft. over the 600 sq. ft. maximum permitted for an accessory structure in an RU-1-7 (Single-Family Residential) zoning classification. This request represents the applicants' request to build a proposed 1,204 sq. ft. accessory building (garage). The applicants state that their single-family house was built in 1954 and has 956 sq. ft. of living area. They also state the house was built by a previous owner and the size of the living area of the house limits how big the accessory building can be. This request equates to a 101% deviation of what the code allows. There are no variances approved to accessory size requirements 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 with a revision date of 12/03/2025.

Is the request due to a Code Enforcement action? **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:

Applicant response: This would be separate from any other lands or structures. There are two existing buildings on original property besides the house. House was built in 1954 and was only 956 sq. ft. living area.

Staff response: **Based on staff analysis, the existing house has 956 sq. ft. of living area which limits a single accessory structure to 600 sq. ft. in size.**

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

Applicant response: Would like to build separate building in back property a 30 X 40 metal shed for a workshop.

Staff response: **Based on staff analysis, the existing house has 956 sq. ft. of living area which limits a single accessory structure to 600 sq. ft. in size.**

(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 building would be 30 X 40, which needs a variance because of its size.

Staff response: **Based on staff analysis, the existing house has 956 sq. ft. of living area which limits a single accessory structure to 600 sq. ft. in size.**

(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: My neighbors do not object to the building being built.

Staff response: **The applicant has included a list of neighbors with no objections to the variance requested for proposed accessory structure.**

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

Applicant response: This would be the only building on the lot off Center St.

Staff response: **The parcel has frontage on two Streets, Church Street and Center Street. The proposed accessory building will be located on the portion of the parcel fronting Center Street.**

(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:

Applicant response: There will be no outside eye sore from the structure.

Staff response: **The applicant states the proposed accessory building will be a metal building.**