



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 27, 2026

DISTRICT 2

(25V00080) William M. and Lang L. Alexander (Tom Brooks) request two variances of Chapter 62, Article VI, Brevard County Code as follows; 1.) Section 62-2118(d)(2) to allow 7.2 ft. from the required 7.5 ft. side (north) setback for a proposed dock; and 2.) Section 62-2118(d)(2) to allow 0.1 ft. from the required 7.5 ft. side (south) setback for a proposed dock in a PUD (Planned Unit Development) zoning classification. This request represents the applicants' request to legitimize an existing boat dock for future work on the dock in the existing footprint. The applicants state due to the shape and configuration of the lot when it was platted along the canal leaves very little area to have a boat dock. The first request equates to a 96% deviation to what the code allows. The second request equates to a 1% deviation to what the code allows. There is one variance to the dock setback requirements in the immediate area. There is no code enforcement action pending with the Brevard County Planning and Development Department. If the Board wishes to approve this variance, it may wish to limit its approval to the location as depicted on the survey provided by the applicant with a revision date of 12/10/2025.

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: Due to pie shaped lot the property lines do not allow for County requested setbacks like the neighboring properties across the canal.

Staff response: **The parcel was platted in this configuration which may restrict the buildable limits for a dock.**

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

Applicant response: The lot shape was determined by building & zoning not the applicant.

Staff response: **The parcel is a lot in a platted subdivision. The applicant did not create the shape of the parcel.**

(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: Not requesting any special privilege. Would like to replace what is currently there, built in same footprint.

Staff response: **The applicant is requesting to replace the existing boatlift in the same footprint it is currently in.**

(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: The applicant currently has a boatlift existing on the property – we would like to replace it in the same footprint.

Staff response: **The applicant request is to replace the existing boatlift in the same footprint.**

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

Applicant response: We are not asking for anything additional; only to replace what is currently there.

Staff response: **The applicants' request is to replace the existing boatlift in the same footprint.**

(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: This will be in harmony with the general intent & purpose of chapter. Not at all detrimental to the public welfare.

Staff response: **Based on staff analysis, the existing dock has been in the current configuration for over 15 years.**