



## MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Scott Morgan, Interim City Manager

**THRU:** Lisa Frazier, AICP, Growth Management Director

**DATE:** February 20, 2025

**RE:** Request by Marchly and Francoise Jean for a variance to allow a proposed home addition to encroach 3.47 feet into the 25-foot rear setback (0.23 acres) (V24-00008). (Quasi-Judicial Proceeding)

### SUMMARY:

This item is submitted in accordance with Section 172.025, Variances, Palm Bay Code of Ordinances.

This property was originally developed in 2003 as a one-story single-family residential structure consisting of 1,703 square feet of air-conditioned space. In July 2023, a building permit BL23-04128 was issued for a 579 square foot addition at the subject site. The permit was issued as an "owner/builder" permit, which allows the homeowner to assume all responsibility for the project and act as their own contractor, pursuant to Florida Statutes, Chapter 489.103(7). During construction, the property owner passed each required inspection, including the final building inspection.

Upon review of the final survey submitted by the property owner, it was discovered that the project has not been built to the approved dimensions; therefore, the final survey was disapproved by the Growth Management Department. The final dimensions, as built, measure 680 square feet and extend 26.80 feet from the existing home, leaving only 21.53 feet to the rear property line. This created the current 3.47-foot encroachment into the required 25-foot rear setback. The property owner was acting as his own contractor and was responsible to ensure the project was built to plan, and the need for variance request is a result of the property owner's actions.

### REQUESTING DEPARTMENTS:

Growth Management

**STAFF RECOMMENDATION:**

Staff recommends denial.

**Planning & Zoning Board Recommendation:**

Planning and Zoning Board minutes are not fully transcribed at this time. The following is an excerpt:

**Motion** by Mr. Good, **Seconded** by Mr. Karaffa to submit Case V24-00008 to the City Council for approval.

**Result:** Failed 3 to 2

**Aye:** Good, Karaffa

**Nay:** Olszewski, McLeod, Warner

**Abstain:** None

**ATTACHMENTS:**

1. Staff Report
- 1A. Aerial Map
- 1B. Site Location Map
2. Variance Survey
3. Building Permit Survey
4. Owner Builder Disclosure
5. Application
6. Letter of Authorization
7. Legal Acknowledgement
8. Legal Ad