

1. **\*\*V24-00007 – Evan and Amanda L. Werner - A Variance to allow a proposed carport to encroach 25 feet into the 25-foot side corner setback in an RS-2, Single-Family Residential District by granting relief from the requirement that no accessory structure shall be erected within five feet of any building on the same lot, as established by Section 174.002(A)(5) of the Palm Bay Code of Ordinances. Lot 19, Block 46, Port Malabar Unit 2, Section 25, Township 28, Range 37, Brevard County, Florida; containing approximately .25 acres. Located at the southeast corner of Jackson Avenue NE and Abeto Street NE, specifically at 3202 Jackson Avenue NE**



## MEMORANDUM

**TO:** Planning and Zoning Board Members

**FROM:** Althea Jefferson, AICP, Assistant Growth Management Director

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

**DATE:** March 5, 2025

**RE:** **\*\*V24-00007 – Evan and Amanda L. Werner - A Variance to allow a proposed carport to encroach 25 feet into the 25-foot side corner setback in an RS-2, Single-Family Residential District by granting relief from the requirement that no accessory structure shall be erected within five feet of any building on the same lot, as established by Section 174.002(A)(5) of the Palm Bay Code of Ordinances. Lot 19, Block 46, Port Malabar Unit 2, Section 25, Township 28, Range 37, Brevard County, Florida; containing approximately .25 acres. Located at the southeast corner of Jackson Avenue NE and Abeto Street NE, specifically at 3202 Jackson Avenue NE**

\*\*Quasi-Judicial Proceedings.

### ATTACHMENTS:

1. V24-00007 Staff Report
2. V24-00007 Survey
3. V24-00007 Site Sketch
4. V24-00007 Floor Plan

5. V24-00007 Variance Criteria Response
6. V24-00007 Application
7. V24-00007 Letter of Authorization
8. V24-00007 Legal Acknowledgement
9. V24-00007 Legal Ad



# STAFF REPORT

## LAND DEVELOPMENT DIVISION

120 Malabar Road SE • Palm Bay, FL 32907 • Telephone: 321-733-3042

[landdevelopmentweb@palmbayflorida.org](mailto:landdevelopmentweb@palmbayflorida.org)

### Prepared by

Althea Jefferson, AICP, Assistant Growth Management Director

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**CASE NAME**

Werner Proposed Carport

**PLANNING & ZONING BOARD HEARING DATE**

March 5, 2025

**CASE NUMBER**

V24-00007

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**PROPERTY OWNER & APPLICANT**

Evan and Amanda Werner

**PROPERTY LOCATION/ADDRESS**

Lot 19, Block 46, Port Malabar Unit 2, Section 25, Township 28, Range 37, Brevard County, Florida; containing approximately .25 acres. Located at the southeast corner of Jackson Avenue NE and Abeto Street NE, specifically at 3202 Jackson Avenue NE

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**SUMMARY OF REQUEST**

A **Variance** to allow a proposed carport to encroach 25 feet into the 25-foot side corner setback in an RS-2, Single-Family Residential District by granting relief from the requirement that no accessory structure shall be erected within five feet of any building on the same lot, as established by Section 174.002(A)(5) of the Palm Bay Code of Ordinances.

**Existing Zoning**

RS-2, Single-Family Residential

**Existing Land Use**

LDR, Low Density Residential

**Site Improvements**

Single-Family Residence

**Site Acreage**

Approximately 0.25 acres

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**SURROUNDING ZONING & USE OF LAND****North**

RS-2, Single-Family Residential; Single-Family Residence

**East**

RS-2, Single-Family Residential; Single-Family Residence

**South**

RS-2, Single-Family Residential; Single-Family Residence

**West**

RS-2, Single-Family Residential; Single-Family Residence

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**BACKGROUND:**

The subject property consists of approximately 0.25 acres in the RS-2, Single-Family Residential District. The property was originally developed in 1960 and was purchased by the current owners in 2005.

In 2020, Ordinance 2020-46 established the requirement for recreational vehicles parked on the street side of a corner lot to be screened by an opaque fence in residential. The applicant has been a boat owner since 2005, and did comply with the new regulation by fencing his lot. He explained that his boat was damaged by constant sun exposure, and this is the reason he is requesting the variance – to provide shade cover to his boat.

The applicant is requesting a variance from the requirement that no accessory structure shall be erected within five feet of any building on the same lot (Section 174.002(A)(5)) and is proposing 2.72 feet from the primary structure.

**ANALYSIS:**

The applicant is requesting a variance from the required five-foot building separation distance between a primary and accessory structure. However, it should be noted that approval of the request, as currently proposed, will also require approval of three additional variances. The location of the proposed carport will need a variance from the required 25-foot side corner setback. Other variances to allow a metal and accessory structure within the setback area will also be needed (see table below). Further, metal accessory structures over three hundred (300) square feet or over twelve (12) feet in height in residential zoning districts shall be designed to simulate non-metal construction, treated with a textured coating on all four sides or painted to match the color scheme of the primary residence (174.002(G)).

Provision	Required	Proposed	Variance
Separation distance between buildings	5 feet	2.72 feet	50%
Side corner setback for accessory structures <i>Table 174-1</i>	25 feet (RS-2 District)	2.72 feet	91%
Placement of accessory uses and structures	Shall not be erected within any required side yard setback.	Allow a carport to be built within the required side yard setback.	100%
Metal structures <i>Table 174-1</i>	Metal structures shall not be erected within side or front yard setbacks.	Allow a metal structure to be built within the side yard setback.	100%

Variations from the terms of the Land Development Code may be granted when special conditions exist that would result in unnecessary hardship if the provisions of the Land Development Code were enforced. However, a variance may not be granted when the public health and safety would be compromised as a result of the variance. A variance request must demonstrate that all criteria in Section 172.025(D)(1) - (7) of the Code of Ordinances have been met, as follows:

**Item 1** - *"Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings or structures in the same land use category, zoning district, or situation."*

**Applicant Response:** "Ordinance was changed around 2020 no allowing me park my boat in front of the house and now had to move it to the side. i also complied by building a fence to comply with the new ordinance."

"A hardship is in order to save my boat from the damage the sun has done to it is move it to a covered storage unit which in turn would cost hundreds of dollars a month."

**Staff Review:** There are no special conditions and circumstances peculiar to the land, structure, or building involved and which are not applicable to other lands, buildings or structures in the same land use category, zoning district, or situation. All corner lots in RS-2 zoning are required to adhere to building distance separation and setback regulations in the Palm Bay Code of Ordinances.

Financial disadvantages or inconvenience to the applicant shall not constitute conclusive evidence of unnecessary and undue hardship nor be grounds to justify granting of a variance.

**Item 2** - *"The special conditions and circumstances identified in Item 1 above are not the result of the actions of the applicant."*

**Applicant Response:** "I also moved to a non HOA to be able to store my boat here properly and am now not aloud to provide coverage for my boat."

**Staff Review:** There are no special conditions and circumstances identified in Item 1.

**Item 3** - *"Literal interpretation and enforcement of the Land Development Code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same land use category, zoning district or situation under the terms of the Land Development Code and would work unnecessary and undue hardship on the applicant."*

**Applicant Response:** "A hardship is in order to save my boat from the damage the sun has done to it is move it to a covered storage unit which in turn would cost hundreds of dollars a month."

"Also, a hardship is the money that will have to be spent to replace the interior of boat when

with old ordinance i could have left it in front of the house and built a awning cover for it.”

**Staff Review:** The literal interpretation and enforcement of the Land Development Code would require the applicant to maintain a five-foot distance between the primary structure and the proposed carport (accessory structure). Building distance separation requirements and setbacks are established, in part, for public safety.

**Item 4 -** *"The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building, or structure."*

**Applicant Response:** “The minimum variance necessary would leave me with 2.72 feet on either side of the structure.”

**Staff Review:** The variance, if granted, is not the minimum necessary for reasonable use of the land. The applicant currently has reasonable use of his single-family residential property.

**Item 5 -** *"Granting of the variance request will not confer on the applicant any special privilege that is denied by the development code to other lands, buildings or structures in the same land use category, zoning district or situation."*

**Applicant Response:** “No drainage problems will occur due to roof pitch being front to back not side to side. Also, no utilities are in conflict.”

“I also moved to a non HOA to be able to store my boat here properly and am now not aloud to provide coverage for my boat.”

**Staff Review:** Approving all variances needed to erect the carport in the proposed location and providing 50% relief from the building distance separation, over 90% relief from the side yard setback requirement, and allowance of a metal accessory structure in a required side corner setback area would be considered special privilege.

**Item 6 -** *"The granting of the variance will be in harmony with the general intent and purpose of this code and will not be injurious to the surrounding properties or detrimental to the public welfare."*

**Applicant Response:** “The sight triangle will not be affected cause there is already a fence there and there is clear view when sitting at the stop sign.”

**Staff Review:** Granting of this variance will not be in harmony with the general intent and purpose of this code and may be injurious to the surrounding properties or detrimental to the public welfare.

**Item 7 -** *"The variance represents a reasonable disposition of a claim brought under the Bert J. Harris Private Property Rights Protection Act, chapter 95-181, Laws of Florida, that a development order of the city has reasonably burdened the applicant's property, based on the*

*recommendations of the special master appointed in accordance with the act, or the order of a court as described in the act.”*

**Applicant Response:**

**Staff Review:** City Attorney’s Office reviewed the response from the applicant and determined the "Bert J. Harris Act" is not applicable to this variance request.

**STAFF RECOMMENDATION:**

Staff recommends denial of V24-00007, based on the facts presented, and giving full consideration of the application review criteria found in Section 172.025(D) of the City of Palm Bay Code of Ordinances.

**BOARD ACTION REQUESTED:**

Upon receipt of a recommendation concerning disposition of a requested variance, the Planning and Zoning Board shall hold a public hearing and may grant, deny or grant with conditions any variance request upon finding that the request meets the review criteria (Section (172.025(C)(3)).

The Planning and Zoning Board must determine, based on the facts presented, to what degree, if any, of minimal relief, is required to meet the needs of the variance being requested, as required under Section 172.025 of the City of Palm Bay Code of Ordinances, and make recommendations to City Council for a final review.



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



**SITE LOCATION MAP**

**CASE: V24-00007**

**Subject Property**

Located at the corner of Abeto St NE and Jackson Ave NE, specifically at 3202 Jackson Ave NE



Map is not to scale—for illustrative purposes only; not to be construed as binding or as a survey.



**AERIAL LOCATION MAP**

**CASE: V24-00007**

**Subject Property**

Located at the corner of Abeto St NE and Jackson Ave NE, specifically at 3202 Jackson Ave NE



SCALE: 1"=30'

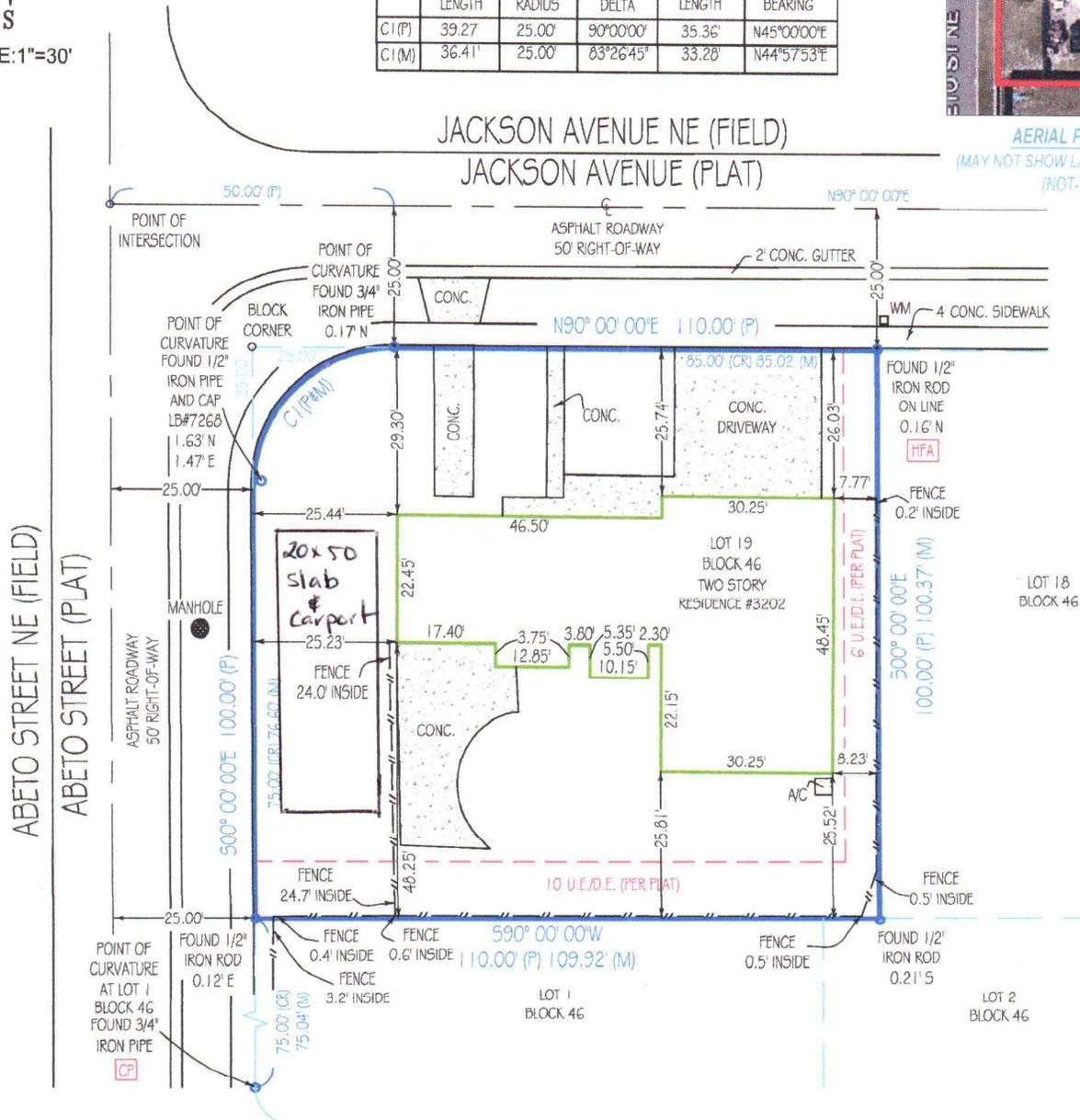
BEARING REFERENCE:

CENTER LINE OF JACKSON AVENUE NORTHEAST AS N 90°00'00" E  
ALL BEARINGS SHOWN HEREON REFERENCED THERETO.

	CURVE TABLE			CHORD LENGTH	CHORD BEARING
	LENGTH	RADIUS	DELTA		
C1 (P)	39.27	25.00'	90°00'00"	35.36'	N45°00'00"E
C1 (M)	36.41'	25.00'	83°26'45"	33.28'	N44°57'53"E



AERIAL PHOTOGRAPH  
(MAY NOT SHOW LATEST IMPROVEMENTS)  
(NOT-TO-SCALE)



\*CP\* = CONTROLLING POINT (POINT OF ROTATION) "HFA" = HELD FOR ALIGNMENT - ALL OTHER MONUMENTATION AND IMPROVEMENTS RELATIVE THERETO

**Platted Easements, Notable or Adverse Conditions (unplatted easements also listed if provided by client): IF APPLICABLE, RECIPIENTS OF THIS SURVEY SHOULD REVIEW THE POSITION OF ANY FENCE LINES SHOWN HEREON AND THEIR RELATIONSHIP TO THE BOUNDARY LINE**

- 6' U.E./D.E. ALONG EASTERLY BOUNDARY LINE OF SUBJECT LOT.
- 10' U.E./D.E. ALONG SOUTHERLY BOUNDARY LINE OF SUBJECT LOT.
- FENCE EXTENDS THROUGH THE SOUTHERLY AND EASTERLY EASEMENTS.
- NO WELL OR SEPTIC VISIBLE AT TIME OF SURVEY PROPERTY SERVICED BY PUBLIC UTILITIES.

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700 West Hillsboro Boulevard, Suite 4-100  
Deerfield Beach, FL 33441  
Office: (561) 367-3587  
Fax: (561) 465-3145  
[www.Landtecsurveying.com](http://www.Landtecsurveying.com)

Elevations, if shown:  
Benchmark: \_\_\_\_\_  
Benchmark Elev.: \_\_\_\_\_  
Benchmark Datum: \_\_\_\_\_  
Elevations on Drawing are in:  
N.G.V.D.29  N.A.V.D.88

Revisions: \_\_\_\_\_  
Job Nr: 148239-CE Date of Field Work: 07/13/2022 Drawn by: I. M.

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**Sheet 2 of 2 (Survey Related Data) - See Sheet 1 of 2 for Sketch of Survey, SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS**

**TYPE OF SURVEY:**

- |  |                                       |  |
|--|---------------------------------------|--|
| <input checked="" type="checkbox"/> BOUNDARY | <input type="checkbox"/> CONSTRUCTION | <input type="checkbox"/> CONDOMINIUM     |
| <input type="checkbox"/> ALTA/NSPS           | <input type="checkbox"/> TOPOGRAPHIC  | <input type="checkbox"/> SPECIAL PURPOSE |

**PURPOSE OF SURVEY (SEE GENERAL NOTES BELOW):**

Purchase/Refinance

**LEGAL DESCRIPTION:**

LOT 19, BLOCK 46, PORT MALABAR UNIT TWO, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 13, PAGE 55, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

**PROPERTY ADDRESS:**

3202 JACKSON AVENUE NE  
PALM BAY, FL 32905

**INVOICE NUMBER: 148239-CE**

**DATE OF FIELD WORK: 07/13/2022**

**CLIENT FILE: LTP-22-0100**

**CERTIFIED TO**

LIBERTY TITLE PARTNERS OF TREASURE COAST, LLC  
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY  
EVAN FREDERICK WERNER  
FINANCE OF AMERICA MTG, LLC

**FLOOD ZONE: X**

**FLOOD MAP: 12009C**

**PANEL: 0614**

**SUFFIX: H**

**PANEL DATE: 01/29/2021**

**PLATTED EASEMENTS, NOTABLE OR ADVERSE CONDITIONS (UNPLATTED EASEMENTS ALSO LISTED IF PROVIDED BY CLIENT):**

**IF APPLICABLE, RECIPIENTS OF THIS SURVEY SHOULD REVIEW THE POSITION OF ANY FENCE LINES SHOWN HEREON AND THEIR RELATIONSHIP TO THE BOUNDARY LINE.**

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**ABBREVIATION LEGEND (SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING):**

A OR AL = ARC LENGTH	DE = DRAINAGE EASEMENT	P = PLAT
B.S.L. = BUILDING SETBACK LINE	EL OR ELEV = ELEVATION	PC = POINT OF CURVE
CO = CLEANOUT	EM = ELECTRIC METER	PCC = POINT OF COMPOUND CURVE
CA = CENTRAL ANGLE	FR = FOUND IRON ROD	PH = POOL HEATER
CATV = CABLE TV RISER	FN = FOUND NAIL	PI = POINT OF INTERSECTION
CF = CALCULATED FROM FIELD	FND = FOUND	POB = POINT OF BEGINNING
CH = CHORD DISTANCE	HFA = HELD FOR ALIGNMENT	POC = POINT OF COMMENCEMENT
CONC. = CONCRETE	I = LEGAL DESCRIPTION	PP = POOL PUMP
CP = CONTROLLING POINT	M = MEASURED	PRC = POINT OF REVERSE CURVE
CR = CALCULATED FROM RECORD	CHC = OVERHEAD CABLE	PT = POINT OF TANGENCY

**SYMBOLS (SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING - NOT TO SCALE):**

= UTILITY POLE	= WELL
= LIGHT POLE	= CENTER LINE
= CATCH BASIN	= PARTY WALL
= FIRE HYDRANT	= AIR CONDITIONER
= MANHOLE	= SEPTIC LID
= WATER VALVE	= ELEV. SHOT
= WATER METER	= SECTION CORNER

**LINETYPES:**

BOUNDARY	
BUILDING	
EASEMENT	
CHAIN LINK FENCE	
WOOD FENCE	
PLASTIC FENCE	
OVERHEAD CABLE	

**GENERAL NOTES:**

1. THIS SURVEY IS BASED UPON RECORD INFORMATION PROVIDED BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
2. AS INDICATED ABOVE, UNDER "PURPOSE OF SURVEY", IF THIS SURVEY HAS BEEN PREPARED FOR A PURCHASE OR REFINANCE, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES, AND IS NOT INTENDED FOR USE IN DESIGN OR CONSTRUCTION PURPOSES. RECIPIENTS MUST CONTACT OUR OFFICE FOR APPROVAL PRIOR TO SUCH USE. LANDTEC SURVEYING ASSUMES NO RESPONSIBILITIES FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
3. ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING FROM THE REMOVAL OF, OR CHANGES MADE TO, ANY FENCES UNLESS WE HAVE PROVIDED A SURVEY SPECIFICALLY LOCATING SAID FENCES FOR SUCH PURPOSES. DETERMINATION OF FENCE POSITIONS SHOULD BE BASED SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES.
4. GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS - DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS.
5. UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
6. ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988) AS SHOWN ON SHEET 1.
7. ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
8. ANY CORNERS SHOWN AS "SET" HAVE EITHER BEEN SET ON THE DATE OF FIELD WORK, OR WILL BE SET WITHIN 5 BUSINESS DAYS OF SAID DATE AND ARE IDENTIFIED WITH A CAP MARKED LS (LICENSED SURVEYOR) #5639.

I HEREBY CERTIFY THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS OUTLINED IN CHAPTER 5J-17.051 & 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT THE ELECTRONIC SIGNATURE AND SEAL HEREON MEETS PROCEDURES AS SET FORTH IN CHAPTER 5J-17.062, PURSUANT TO SECTION 472.025, FLORIDA STATUTES.

**PRINTING INSTRUCTIONS:**

WHEN PRINTING THIS PDF IN ADOBE, SELECT "ACTUAL SIZE" TO ENSURE CORRECT SCALING. **DO NOT USE "FIT".**



Digitally signed by  
Andrew Snyder, PSM  
Date: 2022.07.13  
15:52:42 -04'00'

SIGNATURE \_\_\_\_\_

DATE: 07/13/2022

ANDREW SNYDER - PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA REGISTRATION NO. 5639 (NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OR THE ELECTRONIC SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER SHOWN ABOVE)



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LICENSED BUSINESS No. 8007

# LANDTEC SURVEYING

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This Survey has been prepared for:

***Evan Frederick Werner***



**PROPERTY ADDRESS:**

3202 Jackson Avenue NE  
Palm Bay, FL 32905

On your behalf, and as a requirement for your transaction, this document has been coordinated with us by the firm shown below. Landtec Surveying, Inc. is a private firm and remains entirely responsible for this document's content.





SCALE: 1"=30'

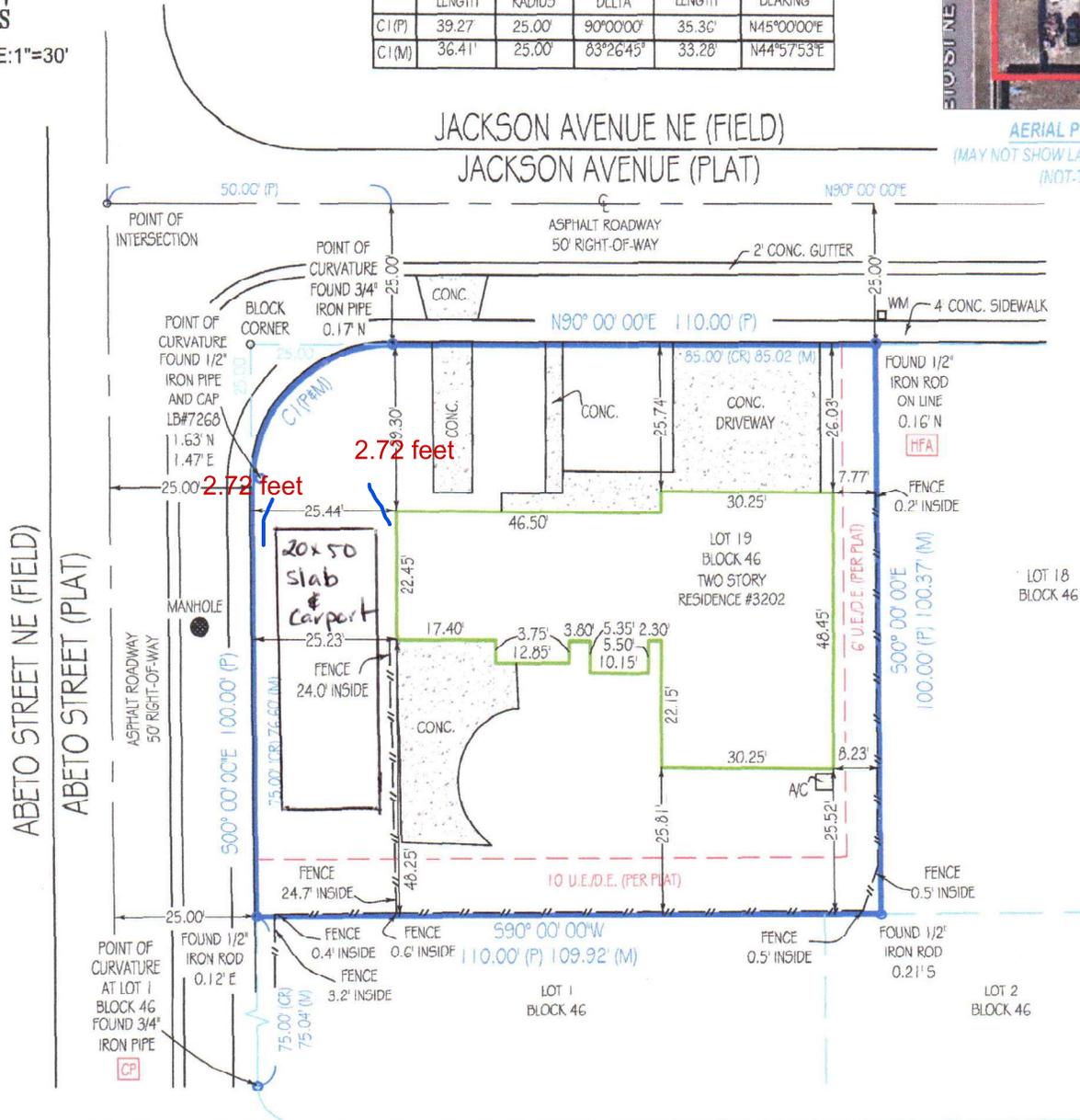
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Elevations, if shown:  
Benchmark: \_\_\_\_\_  
Benchmark Elev.: \_\_\_\_\_  
Benchmark Datum: \_\_\_\_\_  
Elevations on Drawing are in:  
N.G.V.D.29  N.A.V.D.88

Revisions: \_\_\_\_\_ Job Nr: 148239-CE Date of Field Work: 07/13/2022 Drawn by: I. M.

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LEFT SIDE

10'5"

3' 17"

FRONT

1'1"

9'

9'11"

50'

D1

D2

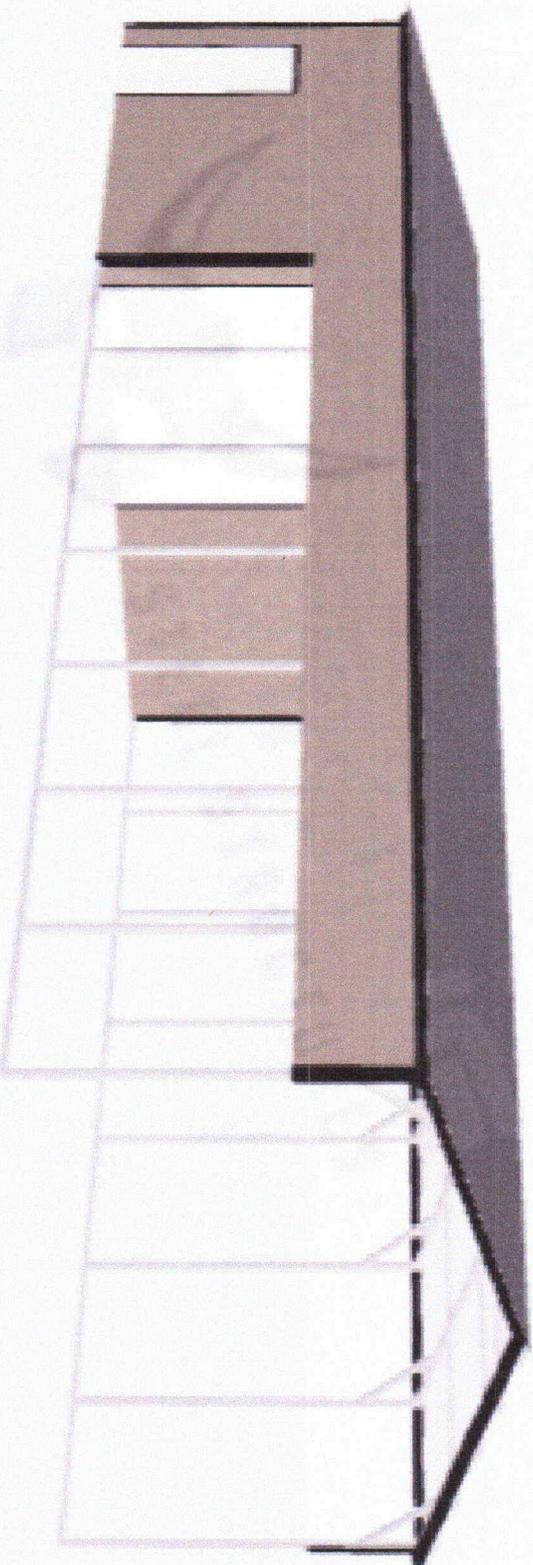
20'

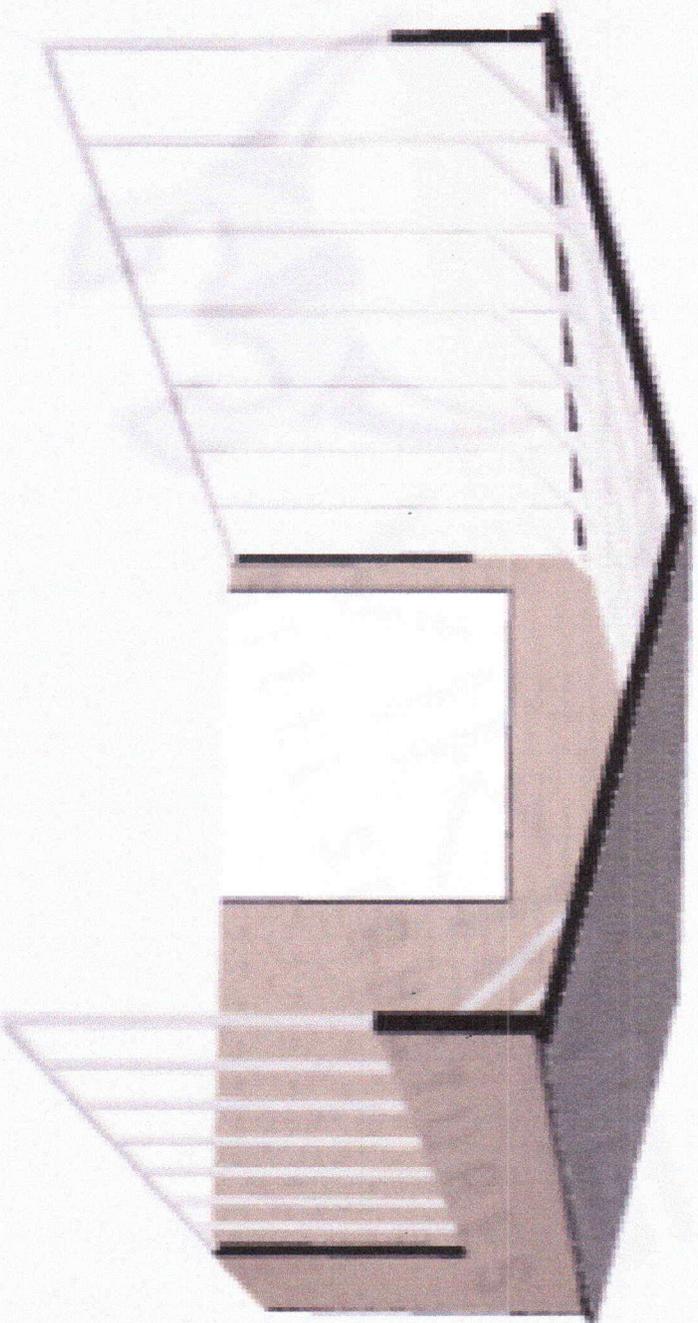
BACK

EN

RIGHT SIDE

EN





EN

Document ID: c55176e2-715f-4a99-bf31-9376fec24889

(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same land use category, zoning district or situation.

(2) The special conditions and circumstances identified in paragraph (1) above are not the result of actions of the applicant.

(3) Literal interpretation and enforcement of the Land Development Code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same land use category, zoning district or situation, and would result in unnecessary and undue hardship on the applicant.

(4) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure.

(5) Granting of the variance request will not confer on the applicant any special privilege that is denied by the development code to other lands, buildings or structures in the same land use category, zoning district or situation.

(6) The granting of the variance will be in harmony with the general intent and purpose of this code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

(7) The variance represents a reasonable disposition of a claim brought under the Bert J. Harris Private Property Rights Protection Act, chapter 95-181, Laws of Florida, that a development order of the city has unreasonably burdened the applicant's property, based upon the recommendations of the special master appointed in accordance with the act, or the order of a court as described in the act.

. The minimum variance necessary would leave me with 2.72 feet on either side of the structure.

. Ordinance was changed around 2020 no allowing me park my boat in front of the house and now had to move it to the side. i also complied by building a fence to comply with the new ordinance

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70.001 Bert J. Harris

(2) When a specific action of a governmental entity has inordinately burdened an existing use of real property or a vested right to a specific use of real property, the property owner of that real property is entitled to relief, which may include compensation for the actual loss to the fair market value of the real property caused by the action of government, as provided in this section. A property owner entitled to relief under this section retains such entitlement to pursue the claim if the property owner filed a claim under subsection (4) but subsequently relinquishes title to the subject real property before the claim reaches a final resolution.

The 25ft setback has burden my use of "real Property" Not allowing me to use the "Real property" I purchased.

# Project Details: V24-00007

## Project Type: Variance Public Hearing Variance

Project Location: 3202 JACKSON AVE NE Palm Bay, FL 32905  
Milestone: Submitted  
Created: 9/20/2024  
Description: Car port  
Assigned Planner: Althea Jefferson

### Contacts

Contact	Information
Legal Representative	Evan Werner 3202 jackson ave ne Palm bay, FL 32905 (954) 849-5200 deepsea2486@yahoo.com
Owner/Applicant	Evan and Amanda Werner 3202 jackson ave ne Palm bay, FL 32905 (954) 849-5200 deepsea2486@yahoo.com
Submitter	Evan Werner 3202 Jackson Ave NE Palm bay, FL 32905  deepsea2486@yahoo.com
Assigned Planner	Althea Jefferson 120 Malabar Road SE Palm Bay, FL 32907 (321) 451-5671 althea.jefferson@palmbayflorida.org

### Fields

Field Label	Value
Block	46
Lot	19
Township Range Section	28-37-25
Subdivision	06
Year Built	1960
Use Code	0110
Use Code Desc	SINGLE FAMILY RESIDENCE

# Project Details: V24-00007

Lot Size	
Building SqFt	
Homestead Exemption	
Taxable Value Exemption	
Assessed Value	
Market Value	
Land Value	
Tax ID	2834302
Flu Description	Low Density Residential
Flu Code	LDR
Zoning Description	Single-Family Residential
Zoning Code	RS-2
Tax Account Number(s)	2834302
Are You a Property Owner of Record?	True
Bert J. Harris Private Property Act	False

# Project Details: V24-00007

How Variance Meets Sec. 169.009

(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same land use category, zoning district or situation. On other lots (non corner lots) do not have such a large set back. I understand why the set back is there but the city has already permitted me to have a fence put up on my property line

(2) The special conditions and circumstances identified in paragraph (1) above are not the result of actions of the applicant.

I have not altered the property in any way.

(3) Literal interpretation and enforcement of the Land Development Code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same land use category, zoning district or situation, and would result in unnecessary and undue hardship on the applicant.

(4) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure.

I would need 25ft to install car port to store my boat under, I believe the only 10ft high structure would be much more appealing then having the boat showing over the fence

(5) Granting of the variance request will not confer on the applicant any special privilege that is denied by the development code to other lands, buildings or structures in the same land use category, zoning district or situation.

No

(6) The granting of the variance will be in harmony with the general intent and purpose of this code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

There is already a 8 foot fence around the property it would not be detrimental to the surrounding properties since the structure would be behind the fence

Size of Area (acres)

Exemption Type

Site Section for Exemption

Americans with Disabilities Act

False

Sections of Zoning Ordinance

185.118a5

Minimum Requested Distance/Height

25

# Project Details: V24-00007

Intended Use of Property	Store boat
Extent of Proposed Variance	install car port, unable to meet setback requirements
Date of Action	
Variance Application Status	
Nature of Previous Application	
Variance Application Filed?	False
Parcel Number(s)	28-37-25-06-46-19
Structures On Property?	True
Final Order Status	
Final Order Date	

January 6<sup>th</sup>, 20 25

Re: Letter of Authorization

As the property owner of the site legally described as:

3202 Jackson Ave NE Palm bay FL, 32905

I, Owner Name: Amanda L. Werner

Address: 3202 Jackson Ave NE Palm bay FL 32905

Telephone: 321-747-8102

Email: lovebeingmommyAJ@gmail.com

hereby authorize:

Representative: Evan F. Werner

Address: 3202 Jackson Ave NE Palmbay FL 32905

Telephone: 954-849-5200

Email: Deepsea 2486@yahoo.com

to represent the request(s) for:

Car port.

[Handwritten Signature]

(Property Owner Signature)

STATE OF Florida

COUNTY OF Brevard

The foregoing instrument was acknowledged before me by means of [X] physical presence or [ ] online notarization, this 6<sup>th</sup> day of January, 20 25 by

Amanda Werner, property owner.

Joanne Conway, Notary Public

[X] Personally Known or [ ] Produced the Following Type of Identification:



# Acknowledgement Log

**Header:**

Legal Acknowledgement

**Text:**

I, the submitter, understand that this application must be complete and accurate before consideration by the City of Palm Bay and certify that all the answers to the questions in said application, and all data and matter attached to and made part of said application are honest and true to the best of my knowledge and belief.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

**Accepted By:**

Evan Werner

**On:**

9/23/2024 11:55:41 AM

V24-00007

Select Language | ▼



Florida

PO Box 631244 Cincinnati, OH 45263-1244

GANNETT

**AFFIDAVIT OF PUBLICATION**

CITY OF PALM BAY  
attn: Accounts Payable  
City Of Palm Bay  
120 Malabar Rd Se  
Palm Bay FL 32907-3009

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Florida Today, a daily newspaper published in Brevard County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

02/20/2025

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 02/20/2025

Legal Clerk

*Nancy Heyrman*  
\_\_\_\_\_  
Notary, State of WI, County of Brown  
5.19.27

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State of Wisconsin

ad#11047056 02/20/2025  
CITY OF PALM BAY, FLORIDA  
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Planning and Zoning Board/Local Planning Agency on March 5, 2025, and by the City Council on March 20, 2025, both to be held at 6:00 p.m., in the City Hall Council Chambers, 120 Malabar Road SE, Palm Bay, Florida, for the purpose of considering the following case(s):

1. \*\*CU24-00008 - Foundation Park Future Investments, LLC (Bruce Maia, P.E., MBV Engineering, Inc., Rep.)

A Conditional Use to allow for a proposed Green Recycle Facility in accordance with Section 174.048 of the Palm Bay Code of Ordinances.

Tax Parcel 24, Section 9, Township 29, Range 37, Brevard County, Florida, containing approximately 36 acres. Located south of and adjacent to Foundation Park Boulevard SE, in the vicinity west of Babcock Street SE

2. \*\*V24-00007 - Evan and Amanda L. Werner

A variance to allow a proposed carport to encroach 25 feet into the 25-foot side corner setback in an RS-2, Single-Family Residential District by granting relief from the requirement that no accessory structure shall be erected within five feet of any building on the same lot, as established by Section 174.002(A)(5) of the Palm Bay Code of Ordinances.

Lot 19, Block 46, Port Malabar Unit 2, Section 25, Township 28, Range 37, Brevard County, Florida; containing approximately 25 acres. Located at the southeast corner of Jackson Avenue NE and Abeto Street NE, specifically at 3202 Jackson Avenue NE

\*\*Indicates quasi-judicial request(s).

If an individual decides to appeal any decision made by the Planning and Zoning Board/Local Planning Agency or the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (FS 286.0105). Such person must provide a method for recording the proceedings verbatim.

Please contact the Palm Bay Land Development Division at (321) 733-3041 should you have any questions regarding the referenced cases.  
Chandra Powell  
Planning Specialist