



CITY OF TITUSVILLE

BOARD OF ADJUSTMENTS AND APPEALS

AGENDA

Regular Meeting

September 24, 2025 - 6:00 PM

Council Chamber at City Hall

555 South Washington Avenue, Titusville, FL 32796

Any person who decides to appeal any decision of the Board of Adjustments and Appeals, with respect to any matter considered at this meeting, will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26 Florida Statutes, should at least 48 hours prior to the meeting, submit a written request to the chairperson of the meeting that the physically handicapped person desires to attend.

Notice

All persons who anticipate speaking on any Public Hearing item must fill out an Oath Card to be heard on that agenda item and sign the oath contained thereon. These cards are located on the table near the entrance to the Council Chamber or may be obtained from the Recording Secretary. This meeting will be conducted in accordance to the procedures adopted in Resolution No. 24-1997.

Those speaking in favor of a request will be heard first, those opposed will be heard second, and those who wish to make a public comment on the item will speak third. The applicant may make a brief rebuttal if necessary. A representative from either side, for or against, may cross-examine a witness.

Anyone who speaks is considered a witness. If you have photographs, sketches, or documents that you desire for the Commission to consider, they must be submitted into evidence and will be retained by the City. Please submit such exhibits to the Recording Secretary.

Applicants for land use and zoning related items are advised that the resumes of staff members who prepare applicable staff reports are on file in the City Clerk's Office.

1. CALL TO ORDER

- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL AND DETERMINATION OF A QUORUM**
- 4. APPROVAL OF MINUTES**
 - A. Minutes August 27, 2025**
Approve Minutes
- 5. QUASI-JUDICIAL CONFIRMATION PROCEDURES**
 - A. Verify all persons wishing to speak before the committee has signed an Oath Card.**
 - B. Chairman confirms that all agenda items have been properly advertised.**
 - C. Member's statements if they have visited any of the sites or spoken to any members of the public regarding an item to be reviewed today.**
- 6. CONSENT AGENDA**
- 7. OLD BUSINESS**
 - A. Variance 17-2025 - 109 Fisher Ave**
Consider the requested variance to allow less than the required 10-foot interior side yard setback for a primary structure for property located at 109 Fisher Ave.
- 8. NEW BUSINESS**
 - A. Variance 22-2025 - 2730 Hillcrest Ave**
Consider the requested variance to allow less than the required 10-foot interior side yard setback for a pool enclosure for property located at 2730 Hillcrest Ave.
- 9. PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT**
- 10. REPORTS**
- 11. ADJOURNMENT**

City of Titusville
"Gateway to Nature and Space"

REPORT

To: Members of the Board of Adjustments and Appeals
From: Bradley Parrish, Community Development Director
Subject: **Minutes August 27, 2025**
Department/Office: Development Services

Recommended Action:

Approve Minutes

Summary Explanation & Background:

Minutes August 27, 2025

Alternatives:

Item Budgeted:

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. BAA 8.27.25

DRAFT

Board of Adjustments and Appeals

Regular Meeting

August 27, 2025

The Board of Adjustments and Appeals (BAA) of the City of Titusville, Florida, met in regular session in Council Chambers, on Wednesday, August 27, 2025.

XXX

Chairman Thomas Taylor called the meeting to order at 6:00 p.m. and asked the assembly to recite the Pledge of Allegiance to the Flag.

XXX

Present were Chairman Thomas Taylor, Vice-Chairwoman Margaret Van Deven, Member Richard Wheelus, Member Gina Beckles and Alternate Member Carshonda Wright. Member John Greene was absent. Also, in attendance were Planner Tabitha Armstrong and Sr. Administrative Assistant Kim Amick. It was determined that a quorum was present.

XXX

Member Wheelus made a motion to approve the July 23, 2025 minutes. Vice-Chairwoman Van Deven seconded. There was a unanimous voice vote.

XXX

Chairman Thomas Taylor confirmed the quasi-judicial procedures verifying that all persons wishing to speak before the board has signed an oath card.

XXX

Tabitha Armstrong confirmed that all agenda items had been properly advertised.

XXX

Chairman Thomas Taylor called for members' statements if they had visited any of the sites.

XXX

Consent Agenda Items

None.

XXX

DRAFT

XXX

Old Business

Variance 17-2025 – 109 Fisher Avenue

Tabitha Armstrong explained that the applicant had requested to postpone Variance 17-2025 for 109 Fisher Avenue to the September 24, 2025, meeting due to some personal circumstances. She stated staff is aware of the circumstances and has no objections to the request.

Member Beckles made a motion to table Variance 17-2025 at 109 Fisher Avenue until September 24, 2025, due to the request of the applicant.

Chairwoman Van Deven seconded.

Roll call was as follows:

Chairman Taylor	Yes
Vice-Chairwoman Van Deven	Yes
Member Beckles	Yes
Member Wheelus	Yes
Alternate Member Wright	Yes

Motion passed.

XXX

New Business

Election of Officers

Member Wheelus made a motion to retain current Chairman and Vice-Chairwoman.

Chairman Taylor and Vice-Chairwoman Van Deven both accepted.

Member Beckles seconded.

Roll call was as follows:

Member Beckles	Yes
Member Wheelus	Yes
Alternate Member Wright	Yes
Chairman Taylor	Yes
Vice-Chairwoman Van Deven	Yes

Motion passed.

DRAFT

XXX

Variance 19-2025 – 2671 Sussana Lane

Tabitha Armstrong reviewed the staff report and explained what the applicant was requesting.

Darlene Tindall, current address is 3870 Raney Road, Titusville, Florida, spoke in favor of the item.

Clint Griffin, 2661 Sussana Lane, Titusville, Florida, spoke against the item.

Member Wheelus made a motion to approve the request for variance for 2671 Sussana Lane to allow less than the 30 feet, front yard setback, specifying the 27.3 as the front yard setback. He stated the special condition is the lot shape.

Member Beckles seconded.

Roll call was as follows:

Member Wheelus	Yes
Alternate Member Wright	Yes
Chairman Taylor	Yes
Vice-Chairwoman Van Deven	Yes
Member Beckles	Yes

Motion passed.

XXX

Variance 20-2025 – 1850 S. De Leon Avenue

Tabitha Armstrong reviewed the staff report and explained what the applicant was requesting.

Trevor Mathews, 1850 S. De Leon Avenue, Titusville, Florida, spoke in favor of this item.

Greg Primeau, 2348 South Avenue, Leesburg, Florida, spoke in favor of this item.

Jacob Nescio, 4414 Sherwood Forest Drive, Titusville, Florida, spoke in favor of this item.

Discussion followed.

Vice-Chairwoman Van Deven stated with reference to Variance 20-2025 at 1850 S. De Leon Avenue, would like to make a motion to approve the variance with the following condition:

1. The 10-foot high security fence shall be limited to the areas identified on the submitted concept plan.

Member Beckles seconded.

DRAFT

Roll call was as follows:

Vice-Chairwoman Van Deven	Yes
Member Beckles	Yes
Member Wheelus	Yes
Alternate Member Wright	No
Chairman Taylor	Yes

Motion passed.

Variance 21-2025 – Christian Court

Tabitha Armstrong reviewed the staff report and explained what the applicant was requesting.

Ms. Armstrong explained to the board why this variance was needed since the approval of Variance 14-2025 for the reduced lot size.

Kim Fisher, 1614 White Dove Drive, Winter Springs, Florida, spoke in favor of this item.

Member Wheelus stated with reference to Variance 21-2025, Parcel # 21-35-32-64-* -5, to allow building coverage to exceed 50% on the lots, moves to approve based on the build out was previously approved.

Vice-Chairwoman Van Deven seconded.

Roll call was as follows:

Member Wheelus	Yes
Alternate Member Wright	Yes
Chairman Taylor	Yes
Vice-Chairwoman Van Deven	Yes
Member Beckles	Yes

Motion passed.

XXX

Petitions and Requests from the Public Present

XXX

Reports

Staff – Ms. Armstrong stated there is one new variance for the next meeting along with the item that was tabled.

DRAFT

Ms. Armstrong stated Alternate Member Troutman was appointed to P & Z at last night's council meeting.

Members – None.

Chairman – None.

Adjournment was at 6:40 p.m.

City of Titusville
"Gateway to Nature and Space"

REPORT

To: Members of the Board of Adjustments and Appeals
From: Bradley Parrish, Community Development Director
Subject: **Variance 17-2025 - 109 Fisher Ave**
Department/Office: Planning

Recommended Action:

Consider the requested variance to allow less than the required 10-foot interior side yard setback for a primary structure for property located at 109 Fisher Ave.

Summary Explanation & Background:

The applicant is requesting a variance to the Land Development Regulations, Chapter 28, Section 28-317. Light Industrial Services and Warehousing (M-1). Section 28-317(c) - To allow less than the required 10-foot interior side yard setback for a primary structure, for property located in the Light Industrial Services and Warehousing (M-1) zoning district, at 109 Fisher Ave, Titusville, FL 32796, as submitted by David Ruppe, authorized agent for Dave's Auto & Mobile Repair LLC, owner.

On July 23, 2025, the Board of Adjustments and Appeals tabled this item to the next regular meeting.

On August 27th, 2025, the Board of Adjustments and Appeals tabled this item to the next regular meeting.

Alternatives:

1. Approve the variance -- Move to approve the request for a variance to Land Development Regulations Section 28-317 to allow a reduction in the required interior side yard setback for a primary structure from ten (10) feet to zero (0) feet.

2. Deny the variance -- Move to deny the request for a variance to Land Development Regulations Section 28-317 to allow a reduction in the required interior side yard setback for a primary structure from ten (10) feet to zero (0) feet. (Include reasoning for denial)

Item Budgeted:

N/A

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. Variance 17-2025 Staff Report
2. Application
3. Survey
4. Daves Auto Letter 2025 06 19
5. Variance Neighbor Letters
6. Applicant Pictures
7. Code
8. Zoning map



City of Titusville Community Development

1 **BOARD OF ADJUSTMENTS AND APPEALS**

2 **Variance (VAR) No. 17-2025, 109 Fisher Ave**

3 **Meeting Date:** July 23, 2025

4 **Prepared By:** Tabitha Armstrong, Planner

5 **Applicant:** David Ruppe, authorized agent for Dave's Auto & Mobile Repair LLC, owner.

6 **Background**

7 (a) Variance request: The applicant is requesting a variance to the Land Development
8 Regulations, Chapter 28, Section 28-317. Light Industrial Services and
9 Warehousing (M-1). Section 28-317(c) - *To allow less than the required 10-foot*
10 *interior side yard setback for a primary structure*, for property located in the Light
11 Industrial Services and Warehousing (M-1) zoning district, at 109 Fisher Ave,
12 Titusville, FL 32796, as submitted by David Ruppe, authorized agent for Dave's
13 Auto & Mobile Repair LLC, owner.

14 (b) Location: 109 Fisher Ave, Titusville, FL. Tax No. 2200636. Parcel I.D. 22-35-03-
15 30-B-5

16 (c) Land Description: FISHERS ADDN TO TITUSVILLE LOTS 5,7 BLK B EXC
17 ORB 5597 PG 7219

18 (d) Future Land Use: Industrial

19 (e) Zoning: Light Industrial Services and Warehousing (M-1)

20 (f) Surrounding Zoning Districts.

21 1. North: Light Industrial Services and Warehousing (M-1)

22 2. South: Light Industrial Services and Warehousing (M-1)

23 3. East: Light Industrial Services and Warehousing (M-1)

24 4. West: Light Industrial Services and Warehousing (M-1)

Board of Adjustments and Appeals: Variance No. 17-2025

1 (g) Lot Characteristics: The subject property is a flag shaped parcel measuring
2 approximately .08 acres (3,484 square feet) with 85 feet of frontage along Fisher
3 Avenue. The dimensions do not meet the minimum 5,000 sq. ft. lot area
4 requirements of the M-1 zoning district.

5 (h) Uses: Automotive Repair Shop.

6 **Powers of the BAA**

7 LDR Section 34-226 states that the Board shall grant a variance request when in the
8 opinion of the Board of Adjustments and Appeals, owing to special conditions, the
9 literal enforcement of such ordinance or regulations would do manifest injustice to, or
10 impose an unnecessary hardship upon the applicant. In order to authorize any variance
11 to the provisions of such ordinance, the Board must consider the following criteria:

12 (a) Special conditions and circumstances exist which are peculiar to the land,
13 structure, or building involved and which are not applicable to other lands,
14 structures or building in the same zoning.

15 (b) Special conditions and circumstances do not result from the actions of the
16 applicant.

17 (c) Granting the variance requested will not confer upon the applicant any special
18 privilege that is denied by the ordinance to other lands, buildings or structures in
19 the same zoning district.

20 (d) The literal interpretation of the provisions of the ordinance would deprive the
21 applicant of rights commonly enjoyed by other properties in the same zoning
22 district under the terms of the ordinance.

23 (e) The variance granted is the minimum variance that will make possible the
24 reasonable use of the land, building or structure.

25 (f) The granting of the variance will preserve the spirit of the ordinance and remain
26 in harmony with its general purpose and intent.

27 (g) In granting the variance, the public safety and welfare must be assured.

28 (h) In no case shall the granting of a variance result in a change of use, which would
29 not be permitted in that zone.

30 **Analysis**

31 The applicant is requesting a variance to the Land Development Regulations (LDR),
32 Section 28-317(c) to allow a 0-foot interior side yard setback for a primary structure
33 instead of the required 10-foot interior side yard setback. According to the Brevard
34 County Property Appraiser’s Office (BCPAO), the subject parcel is approximately
35 0.08-acres and contains a 1,520 square foot building constructed in 1947.

Board of Adjustments and Appeals: Variance No. 17-2025

1 BCPAO records also show that the property was once under common ownership with
2 613 Orange Street. The lot appears to have been subdivided in 2023; however, there
3 are no records to indicate the division of land was reviewed or approved by the City.

4 Following the separation of the parcels, a 350-square-foot outbuilding was constructed
5 with a 0-foot interior side setback. This placement does not meet the 10-foot setback
6 requirement outlined in LDR Section 28-317(c). The request does not appear to meet
7 the criteria for variance approval outlined in LDR Section 34-226. The hardship
8 appears to be self-created and result from actions taken by the previous property owner.
9 Approving the variance request would not preserve the spirit of the ordinance and
10 would not be in harmony with its general purpose and intent.

11 **Recommendation**

12 The staff recommends **denial** of the variance allowing an interior yard setback of 0-
13 feet for primary structure. The special conditions and circumstances are self-created.
14 Approval of the variance may grant the applicant rights not commonly enjoyed by other
15 properties in the same zoning district under the terms of the ordinance. The variance
16 request would not preserve the spirit of the ordinance and would not be in harmony
17 with its general purpose and intent. The intent of the zoning regulations is to remove
18 nonconformities and impose a uniform set of development standards.



To be Completed by Staff

Application No. _____
 Date Received: _____
 Received by: _____

APPLICATION FOR VARIANCE

Please submit electronically a completed application and required submittals to the Community Development Department for payment and meeting scheduling. Chapter 34 of the Titusville Land Development Regulations contains the instructions for filing and the required exhibits. INCOMPLETE APPLICATIONS SHALL NOT BE ACCEPTED.

1. Project Location	Property Address/Location Description <i>109 Fisher Ave</i>		
2. Applicant/ Owner	Name of Applicant/Contact <i>David A. Ruppe</i>		Name of Owner <i>Davis Auto + Mobile Repair Inc.</i>
	Street Address <i>3827 Huntington Ave</i>		Street Address <i>109 Fisher Ave</i>
	City	State	Zip
	<i>Mims/Scottsdale FL</i>	<i>FL</i>	<i>32754</i>
	Telephone # <i>321-960-8099</i>		Telephone # <i>321-960-9206</i>
	E-Mail Address <i>negotiator.dave@gmail.com</i>		E-Mail Address <i>davesautoandmobilerepair@gmail.com</i>
3. Applicant Status	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Agent <input type="checkbox"/> Other		
4. Parcel ID	<i>22 3503-30-B-5</i>	Tax Acct.	<i>2200636</i>
5. Site Size	Acres: <i>.08 Acres</i>	Square Feet: <i>1520</i>	
6. Property Information	Current Zoning <i>4800-Warehousing</i>	Current Use of Property <i>Automotive General Repair</i>	
7. Variance(s) Requested	Section Number	LDR Requirement	Variance Requested
	1) <i>28-317</i>	1) <i>10ft</i>	1) <i>0ft</i>
	2)	2)	2)
	3)	3)	3)
	4)	4)	4)
5)	5)	5)	
8. Narrative	Please provide a brief description of your request and the proposed project: (Please complete justification questions on page 4 of this application) <i>Aluminum Covered Tire Rack/Used Oil Storage Shed I need a variance/hardship as there is not enough Property to stay within zoning requirements.</i>		

All applications shall require Community Development staff review prior to submittal.

- All applications shall be submitted to the Department electronically and officially logged in by 4:00 p.m. on deadline dates. Incomplete applications and applications without appropriate backup information/justification will not be accepted and will not be considered to be officially submitted until the appropriate information is submitted. Meeting dates for incomplete applications will not be set until all required information is submitted.
- Petitions requiring review from other boards or commissions prior to being forwarded to the Board of Adjustments and Appeals (BAA) are not guaranteed placement on the BAA schedule available on the City's website.

ACKNOWLEDGEMENT

I am the owner and/or legal representative of the owner of the property described which is the subject of this application. All answers to the questions in said application and all sketches and data attached to and made a part of this application are honest and true to the best of my knowledge and belief. Should this application be granted, I understand that any condition(s) imposed upon the granting of this request shall be binding to the owner, his heirs and successors in title to possession of the subject property. I understand that I must attend all applicable meetings and have been informed of the meeting date(s) and time(s). I understand that if I fail to appear at an applicable meeting, the appropriate Board or Commission may either table or deny the request.

This matter is subject to quasi-judicial rules of procedure. Interested parties should limit contact with the City Council, Board of Adjustment & Appeals, and Planning & Zoning Commission on this topic to properly noticed public hearings or to written communication to the City Clerk's Office, City of Titusville, P.O. Box 2806, Titusville, FL 32781

/s/

(Signature*)



(Date) 6-8-25

** By entering your name in the "Signature" box above, you are signing this Application electronically. You agree your electronic signature is the legal equivalent of your manual signature on this Application. By entering your name in the "Signature" box above, you consent to be legally bound by this Application's terms and conditions.*

FOR OFFICE USE ONLY

Date Received: _____
Accepted By: _____
Hearing Date: _____
Case Number: _____

SKETCH/AREA TABLE ADDENDUM

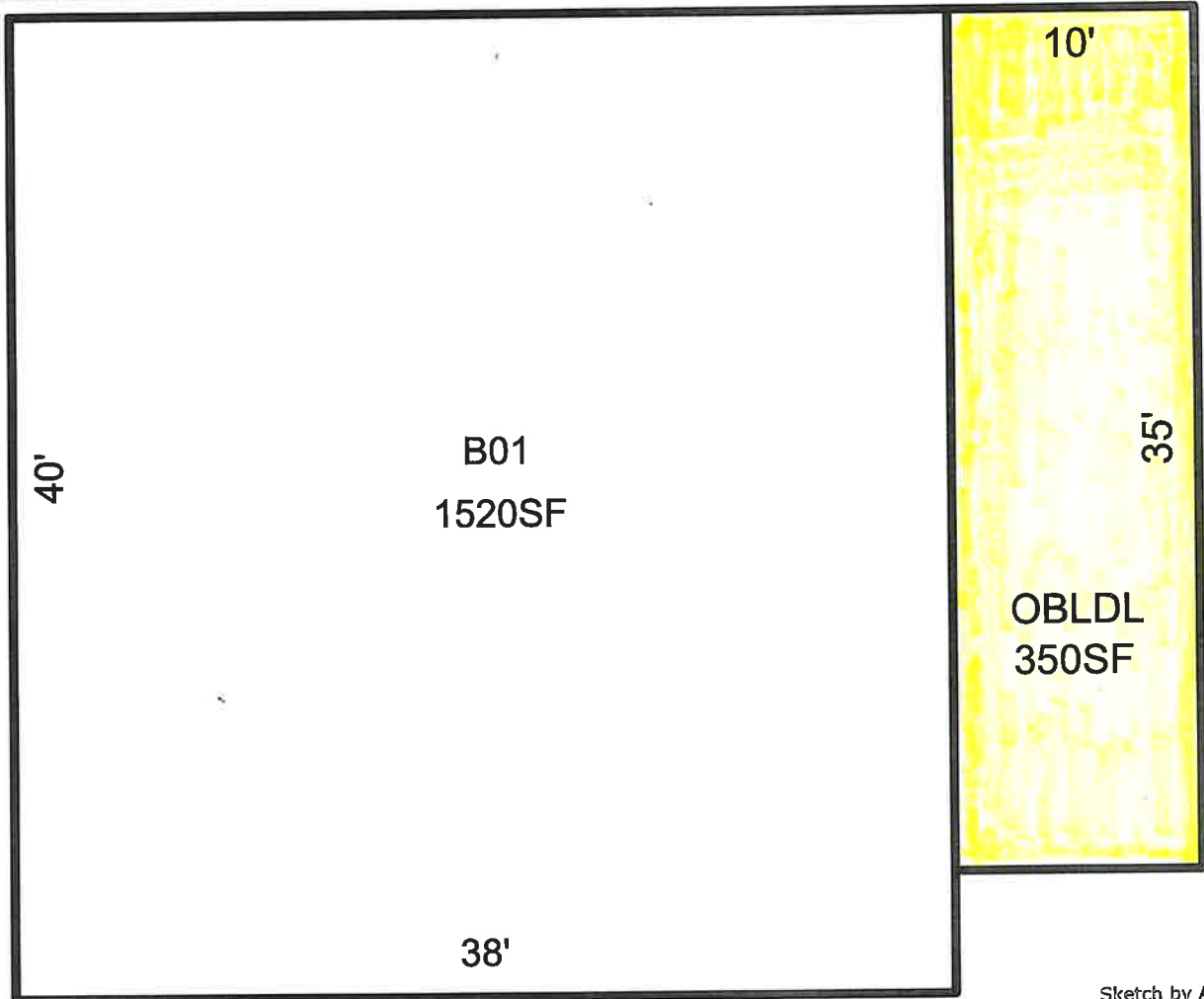
SUBJECT INFO

RE#: 2200636

DRAWN BY: NJD

DATE: 07/24/2024

SKETCH



Sketch by ApexSketch

AREA CALCULATIONS SUMMARY

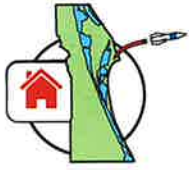
Code	Description	Factor	Net Size	Perimeter	Net Totals
B01	Base Area 1ST FL	1	1520	156	1520
OBLDL	Out Building: Low	1	350	90	350

COMMENT TABLE 1

Represents The Variance For Tire Rack/Oil Storage Shed

COMMENT TABLE 2

COMMENT TABLE 3



REAL PROPERTY DETAILS
Account 2200636 - Roll Year 2024

Owners	DAVE'S AUTO & MOBILE REPAIR LLC
Mailing Address	109 FISHER AVE TITUSVILLE FL 32796
Site Address	109 FISHER AVE TITUSVILLE FL 32796
Parcel ID	22-35-03-30-B-5
Taxing District	14A0 - TITUSVILLE
Exemptions	NONE
Property Use	4800 - WAREHOUSING, DISTRIBUTION AND TRUCKING TERMINAL,
Total Acres	0.08
Site Code	0001 - NO OTHER CODE APPL.
Plat Book/Page	0001/0014
Subdivision	FISHERS ADDN TO TITUSVILLE
Land Description	FISHERS ADDN TO TITUSVILLE LOTS 5,7 BLK B EXC ORB 5597 PG 7219



VALUE SUMMARY

Category	2024	2023	2022
Market Value	\$141,510	\$119,700	\$115,920
Agricultural Land Value	\$0	\$0	\$0
Assessed Value Non-School	\$141,510	\$119,700	\$115,920
Assessed Value School	\$141,510	\$119,700	\$115,920
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$141,510	\$119,700	\$115,920
Taxable Value School	\$141,510	\$119,700	\$115,920

SALES / TRANSFERS

Date	Price	Type	Instrument
09/19/2023	\$235,000	WD	9893/2306
08/28/2018	\$146,300	WD	8249/2510
05/05/2015	--	QC	7359/2064
09/03/1985	\$50,000	WD	2633/2037
10/01/1978	\$16,800	--	1957/0823
11/01/1972	\$75,000	--	1290/0297

BUILDINGS

PROPERTY DATA CARD #1

Building Use: 4800 - WAREHOUSING, DISTRIBUTION AND TRUCKING TERMINAL, VAN & STORAGE WAREHOUSING

Materials		Details	
Exterior Wall:	STUCCO , PLYWD/T111	Year Built	1947
Frame:	MASNRYCONC , WOOD FRAME	Story Height	11
Roof:	ENAMEL METAL	Floors	1
Roof Structure:	WOOD TRUSS	Residential Units	
		Commercial Units	1
Sub-Areas		Extra Features	
Base Area (1st)	1,520	Fence - Barb Wire	52
Total Base Area	1,520	Paving - Concrete	990
Total Sub Area	1,520	Fence - Chain Link 8'	52
		Paving - Asphalt	455

LISA CULLEN, CFC
BREVARD COUNTY TAX COLLECTOR

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS
2024 PAID REAL ESTATE

TAX ACCOUNT NUMBER	ESCROW CD	MILLAGE CODE
2200636		14A0

Pay your taxes online at www.brevardtc.com

Dave's Auto & Mobile Repair LLC
 109 Fisher AVE
 Titusville, FL 32796-3466

109 FISHER AVE
 FISHERS ADDN TO TITUSVILLE LOTS
 5,7 BLK B EXC ORB 5597 PG 7219

AD VALOREM TAXES						
TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION	TAXABLE VALUE	TAXES LEVIED	
COUNTY GENERAL FUND	2.9207	141,510	0	141,510	413.31	
BREVARD LIBRARY DISTRICT	0.3306	141,510	0	141,510	46.78	
BREVARD MOSQUITO CONTROL	0.1367	141,510	0	141,510	19.34	
TI-CO AIRPORT AUTHORITY	0.0000	141,510	0	141,510	0.00	
SCHOOL - BY STATE LAW	3.0630	141,510	0	141,510	433.45	
SCHOOL - BY LOCAL BOARD	0.7480	141,510	0	141,510	105.85	
BPS VOTED TEACHER PAY	1.0000	141,510	0	141,510	141.51	
SCHOOL - CAPITAL OUTLAY	1.5000	141,510	0	141,510	212.27	
CITY OF TITUSVILLE	6.5817	141,510	0	141,510	931.38	
TITUSVILLE IND RVR ACQ	0.1936	141,510	0	141,510	27.40	
REC DIST 1 MSTU INCL TITUS	0.4281	141,510	0	141,510	60.58	
ST JOHNS RIVER WATER MGMT DST	0.1793	141,510	0	141,510	25.37	
FLA INLAND NAVIGATION DIST	0.0288	141,510	0	141,510	4.08	
ENV END LD/WTR LTD	0.0467	141,510	0	141,510	6.61	
ENV END LD/WTR LTD(DBTP)	0.0078	141,510	0	141,510	1.10	
N BREV REC D1/TTS (DBTP)	0.2034	141,510	0	141,510	28.78	
N BREV REC DST 1/TTS	0.1657	141,510	0	141,510	23.45	
TOTAL MILLAGE		17.5341	AD VALOREM TAXES		\$2,481.26	

NON-AD VALOREM ASSESSMENTS		AMOUNT
114 STORMWATER TITUSVILLE		124.49
158 SOLID WASTE DISPOSAL		201.46
PAY ONLY ONE AMOUNT IN BOXES BELOW		NON-AD VALOREM ASSESSMENTS \$325.95
If Paid By	Mar 31, 2025	
Please Pay	\$2,807.21	

LISA CULLEN, CFC
BREVARD COUNTY TAX COLLECTOR

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS
2024 PAID REAL ESTATE

TAX ACCOUNT NUMBER	ESCROW CD	MILLAGE CODE
2200636		14A0

Pay your taxes online at www.brevardtc.com

RETURN WITH PAYMENT
 Dave's Auto & Mobile Repair LLC
 109 Fisher AVE
 Titusville, FL 32796-3466



PLEASE PAY IN U.S. FUNDS THROUGH U.S. BANK TO BREVARD COUNTY TAX COLLECTOR, PO BOX 2500, TITUSVILLE, FL 32781-2500

If Paid By	Mar 31, 2025			
Please Pay	\$2,807.21			

03/24/2025
 Paid

Receipt # 802-25-00002748

\$2,807.21 Paid By Dave's Auto & Mobile Repair LLC

SKETCH/AREA TABLE ADDENDUM

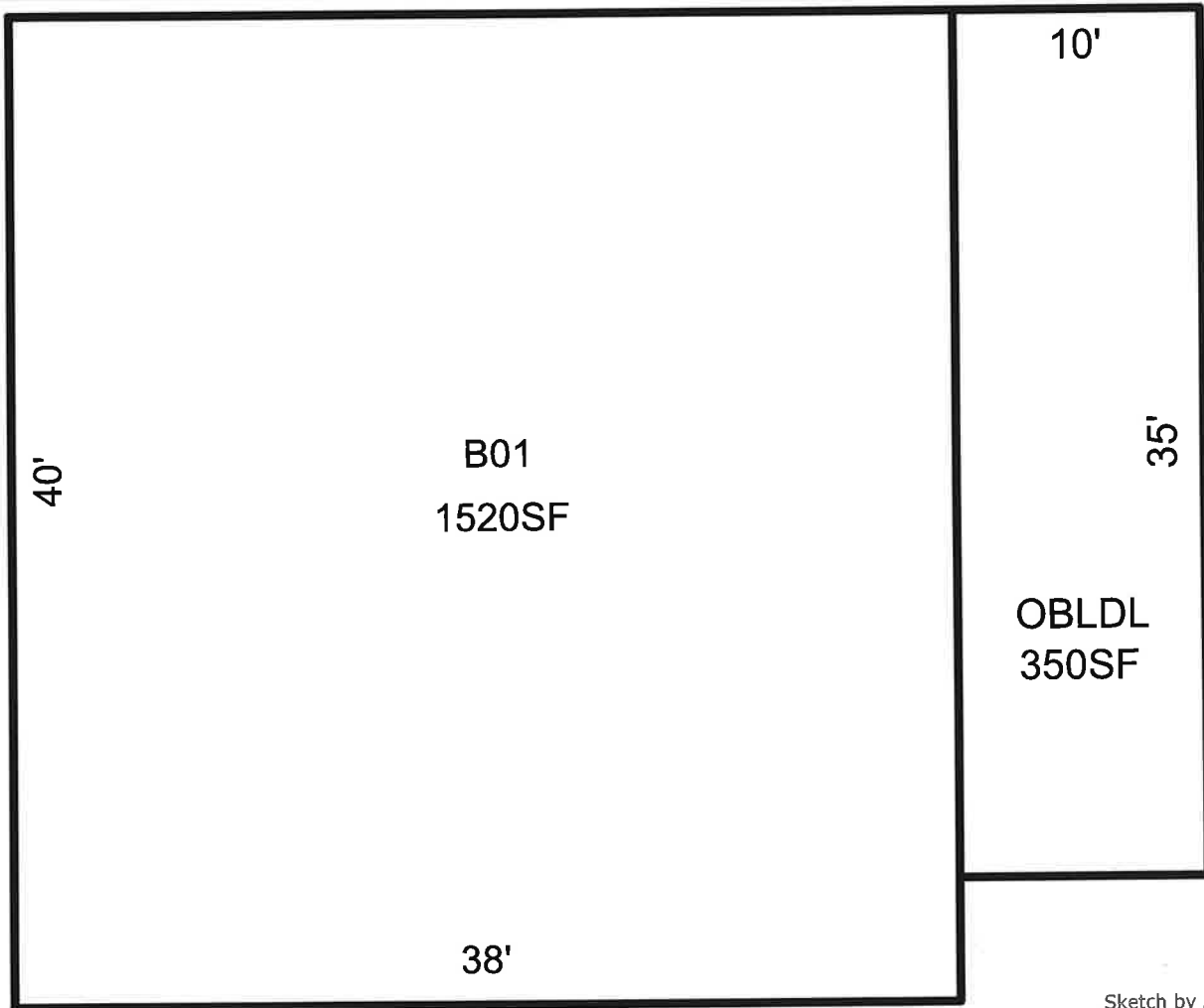
SUBJECT INFO

RE#: 2200636

DRAWN BY: NJD

DATE: 07/24/2024

SKETCH



Sketch by ApexSketch

AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
B01	Base Area 1ST FL	1	1520	156	1520
OBLDL	Out Building: Low	1	350	90	350

COMMENT TABLE 1

COMMENT TABLE 2

COMMENT TABLE 3

Variance Justification

In answering the questions below, please be as specific as possible. Your answers will help the Board of Adjustments and Appeals and City staff to properly evaluate your variance request.
(Please attach a separate sheet if necessary)

1. Why are you unable to comply with the requirements? What hardship or injustice are you claiming?
The property lines as purchase have limited setbacks
The front is less than 20' The back is 5' the side yard to the south is 16' the north is 2ft. The parking lot accompanies the front variance/setback and is extended north of the building.
2. What is special about your property that would justify treating it differently than most other properties? (Examples of important special conditions include: narrow or odd shaped lot; excessive slope of land; soil or drainage limitations; unusual location of existing buildings on the lot; etc.) If the special conditions involve an existing building or structure, when was it built and are you the original owner?
This property is narrow and very odd shaped. There is less than normal variances on ~~the~~ 2 sides of the building.
3. Is your variance request the minimum change from the requirements that you need to overcome your hardship? Explain your answer. (For example, suppose you are requesting a 5 foot variance to the side yard setback requirement in order to build a single car garage 15 feet wide. Your request would not be the minimum since a single car garage 11 feet wide would be adequate and would only require a 1 foot variance.)
Since the covered tire rack was built and installed in December of 23, if it is not ~~approved~~ approved, it will have to be reconfigured, I would have to reevaluate and seek a 6' variance on the south side.
4. Explain why approval of your variance request would not likely result in harm to your neighbor's properties or to the general public.
The variance requested actually improves many aspects for my neighbor to the south. They have prepared a letter in approval of the change requested. The neighbor to the east and the west is in a legal dispute (Small Claims Court) with me related their failure to return my \$6000.00 "earnest Money" after financing options failed.



SUBMITTAL CHECKLIST

Please fill out the following and submit the documents to the Community Development Department electronically. Payment of fees does not ensure a favorable decision. Additional information may include documents initially waived at the pre-application meeting but subsequently determined necessary by staff.

1.	Complete Application and Fees
2.	Warranty Deed
3.	Notarized Owner Authorization Form (If applicable)
4.	Legal Description (from a certified survey)
5.	Certified Survey (sealed and containing permanent reference points as described by Chapter 177, Florida Statutes, with bearings, distances and closures) in electronic PDF format.
6.	Digital plot or site plan, drawn to scale, illustrating the variance requested.
7.	Names, addresses and address labels for all property owners within 100 feet of the subject property. <i>Note: This listing is available from either the Brevard County Property Appraiser's Office or the City of Titusville Planning Department. Current charge for this service is \$35.00.</i>
8.	Pre-Application Meeting Held – Date: Staff in Attendance:

Applicant Signature**

Is/

Date

6-11-25

**** By entering your name in the "Signature" box above, you are signing this Application electronically. You agree your electronic signature is the legal equivalent of your manual signature on this Application. By entering your name in the "Signature" box above, you consent to be legally bound by this Application's terms and conditions.**

LEGAL DESCRIPTION: (AS FURNISHED) ORB 8249, PAGE 2510

LOTS 5 AND 7, BLOCK B, FISHER'S ADDITION TO TTUSVILLE, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 14, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

LESS THE PORTION DESCRIBED IN OFFICIAL RECORDS BOOK 5597, PAGE 7219, AS DESCRIBED AS FOLLOWS:

A PART OF LOTS 5, 6 AND 7, BLOCK B, AND PART OF A VACATED MAIDEN LAND LYING EAST OF SAID LOTS 5, 6 AND 7, BLOCK B, FISHER'S ADDITION TO TTUSVILLE ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 14, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 7, BLOCK B, FISHER'S ADDITION TO TTUSVILLE; THENCE EAST ALONG THE NORTH LINE OF LOTS 6 AND 7, BLOCK B, AND THE NORTH LINE OF VACATED MAIDEN LAND LYING EAST OF SAID LOTS 5, 6 AND 7, BLOCK B, FISHER'S ADDITION TO TTUSVILLE A DISTANCE OF 143.32 FEET, TO A POINT LYING 3.22 FEET WEST OF THE WEST LINE OF LOTS 5, 6 AND 7, BLOCK A; THENCE SOUTH 02°28'39" EAST, PARALLEL WITH THE WEST LINE OF LOTS 5 AND 7, BLOCK A, A DISTANCE OF 132.00 FEET TO A POINT LYING ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 5, BLOCK B, SAID FISHER'S ADDITION TO TTUSVILLE, THENCE WEST ALONG THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 5, BLOCK B, AND THE SOUTH LINE OF LOT 5, BLOCK B, A DISTANCE OF 88.32 FEET; THENCE NORTH 01°43'67" WEST, A DISTANCE OF 34.81 FEET; THENCE SOUTH 88°13'43" WEST, A DISTANCE OF 37.06 FEET; THENCE NORTH 01°46'17" WEST, A DISTANCE OF 34.81 FEET; THENCE SOUTH 88°13'43" WEST, A DISTANCE OF 19.00 FEET, TO A POINT LYING ON THE WEST LOT OF LOT 7, BLOCK B, FISHER'S ADDITION TO TTUSVILLE, THENCE NORTH 02°28'39" WEST, ALONG SAID WEST LINE, A DISTANCE OF 47.00' FEET TO THE POINT OF BEGINNING.

**SHEET 1 OF 2 SHEETS
SKETCH ON SHEET 2**

THE PURPOSE OF THIS SURVEY IS TO ESTABLISH THE BOUNDARY IN ACCORDANCE WITH THE FURNISHED LEGAL DESCRIPTION AND SHOW THE ABOVE GROUND IMPROVEMENTS TO ENABLE THE BUYERS OF THIS PROPERTY TO OBTAIN TITLE INSURANCE AND FINANCING.

LEGEND:

A/C = AIR CONDITIONER	50x00 = PROPOSED ELEVATION	W = WETLAND FLAGS
A.K.A. = ALSO KNOWN AS	50x00 = ELEVATION SHOT	U.E. = UTILITY EASEMENT
ALUM = ALUMINUM	ESMT = DRAINAGE FLOW	D.E. = DRAINAGE EASEMENT
AVE = AVENUE	ELEV = EASEMENT	P.U.E. = PUBLIC UTILITY EASEMENT
BLK = BLOCK	FF = FINISH FLOOR	PG = POINT OF CURVATURE
BLVD = BOULEVARD	FD = FOUND	PRC = POINT OF REVERSE CURVATURE
BM = BENCHMARK	FH = FIRE HYDRANT	P.I. = POINT OF INTERSECTION
(CALC) = CALCULATED	I.P. = IRON PIPE	PCP = PERMANENT CONTROL POINT
CB = CHORD BEARING	I.R. = IRON ROD	PLS = PLAT BOOK
CD = CHORD DISTANCE	LB = LICENSED BUSINESS	PG = PAGE
C.L. = CHAIN LINK FENCE	(M) = MEASURED	PB = PLAT BOOK
CM = CONCRETE MONUMENT	N/D = NAIL & DISK	R/W = RIGHT-OF-WAY
CONC. = CONCRETE	N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM	R.P. = RADIUS POINT
CI = CURT	ORB = OFFICIAL RECORDS BOOK	S.P. = SCREEN PORCH
(D) = DEED	OHW = OVERHEAD WIRE	ST = STREET
DR = DRIVE	(P) = PLAT	S/W = SIDEWALK
DB = DEED BOOK	(P.R.) = PRO-RATED	W.F. = WOOD FENCE
D/W = DRIVEWAY	P.O.B. = POINT OF BEGINNING	WM = WATER METER
	P.O.C. = POINT OF COMMENCEMENT	WV = WATER VALVE

U.E. = UTILITY EASEMENT	± = MORE OR LESS
D.E. = DRAINAGE EASEMENT	○ = POWER POLE
P.U.E. = PUBLIC UTILITY EASEMENT	-> = GUY WIRE
PG = POINT OF CURVATURE	L = ARC LENGTH
PRC = POINT OF REVERSE CURVATURE	R = RADIUS
P.I. = POINT OF INTERSECTION	Δ = DELTA
PCP = PERMANENT CONTROL POINT	▭ = COVERED AREA
PLS = PLAT BOOK	▭ = CONC.
PG = PAGE	—X— = CENTER LINE
PB = PLAT BOOK	—X— = FENCE
R/W = RIGHT-OF-WAY	● = FOUND AS NOTED
R.P. = RADIUS POINT	● = FOUND NAIL & DISK
S.P. = SCREEN PORCH	■ = FOUND CONCRETE MONUMENT
ST = STREET	○ = SET 5/8" IRON ROD "COOPER LB 6544"
S/W = SIDEWALK	○ = SET NAIL & DISK "COOPER LB 6544"
W.F. = WOOD FENCE	□ = SET 4"x4" CONCRETE MONUMENT "COOPER LB 6544"
WM = WATER METER	
WV = WATER VALVE	

DRAWN BY: JAB CHECKED BY: J.W.C.

SCALE: 1" = 20'

SECTION 3, TOWNSHIP 22 S., RANGE 35 E.

LEGAL DESCRIPTION:

SEE ABOVE

CERTIFIED TO:

DAVE'S AUTO AND M. BILE REPAIR LLC,
A FLORIDA LIMITED LIABILITY COMPANY
JPMORGAN CHASE
FIRST INTERNATIONAL TITLE
FIDELITY NATIONAL TITLE INSURANCE COMPANY

PROJECT No.	DATE	REVISION

SURVEY DATE: 8/1/23 PROJECT # 23-07-25

SURVEYORS NOTES:

1. Unless otherwise noted, only plotted easements are shown hereon.
2. No underground utilities or improvements were located unless otherwise shown.
3. The surveyor no longer certifies the F.E.M.A. Zone. This certification is made by an independent contractor of the Federal Government. As a courtesy to the client, this surveyor feels that this parcel lies in F.I.R.M. Zone X per Community Panel No. 125152C0205H, dated 1/29/21.
4. Unless otherwise noted, any elevations shown are based on assumed datum.
5. Bearing shown hereon are based on the LINE AS SHOWN ON SKETCH OF SURVEY as being N 43°41'18" E, according to the Plat of FISHER'S ADDITION TO TTUSVILLE as recorded in plat book 1, at page 14 of the Public Records of Brevard County, Florida.
6. This survey is prepared and certified for the exclusive use of the client named hereon.
7. Unless this sketch of survey bears the signature and raised seal of John W. Cooper PLS 5093, it is for information purposes only and is not a valid survey.
8. Additions or deletions to this sketch of survey by other than the signing party is prohibited without written consent of the signing party.
9. Ownership of fences is unknown unless otherwise noted. Due to the nature of fences it is recommended that you contact the undersigned surveyor prior to removal or installation of any fence.

John W. Cooper
LAND SURVEYING INC.
2326 S. HOPKINS AVENUE
Titusville, Florida 32780
LB 6544
(321) 268-5646
FAX (321) 268-5688

I hereby certify that this survey meets the Standards of Practice as set forth by the Florida Department of Agriculture and Consumer Services in Chapter 5S-15.051 Florida Administrative Code, Pursuant to section 472.027, Florida Statutes.

John W. Cooper
John W. Cooper PSM 5093 Date Signed 8/1/23

6/19/2025

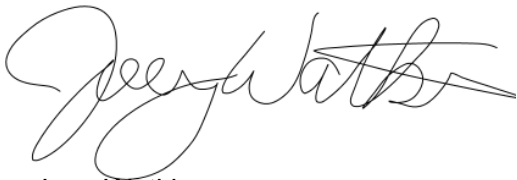
To whom it may concern,

Watkins Oil Co is the owner of 175 Fisher Ave and 179 Fisher Ave in Titusville.

It has come to our attention that a permanent structure has been built on the south side of the building at 109 Fisher Ave for additional enclosed storage space, and that this add-on is in violation of city building code due to its proximity to the property boundary.

This does not present an issue for us and we do not object to this structure. It is attractive, and it will do a better job of protecting the enclosed items during a hurricane than the previous rack that was against the building.

Thank you,



Joey Watkins
President
Watkins Oil Company Inc
Titusville, FL

To whom it may concern, I the property owner of 108 fisher ave, do not have any issue with the additional outbuilding on 109 fisher ave.

John Chough

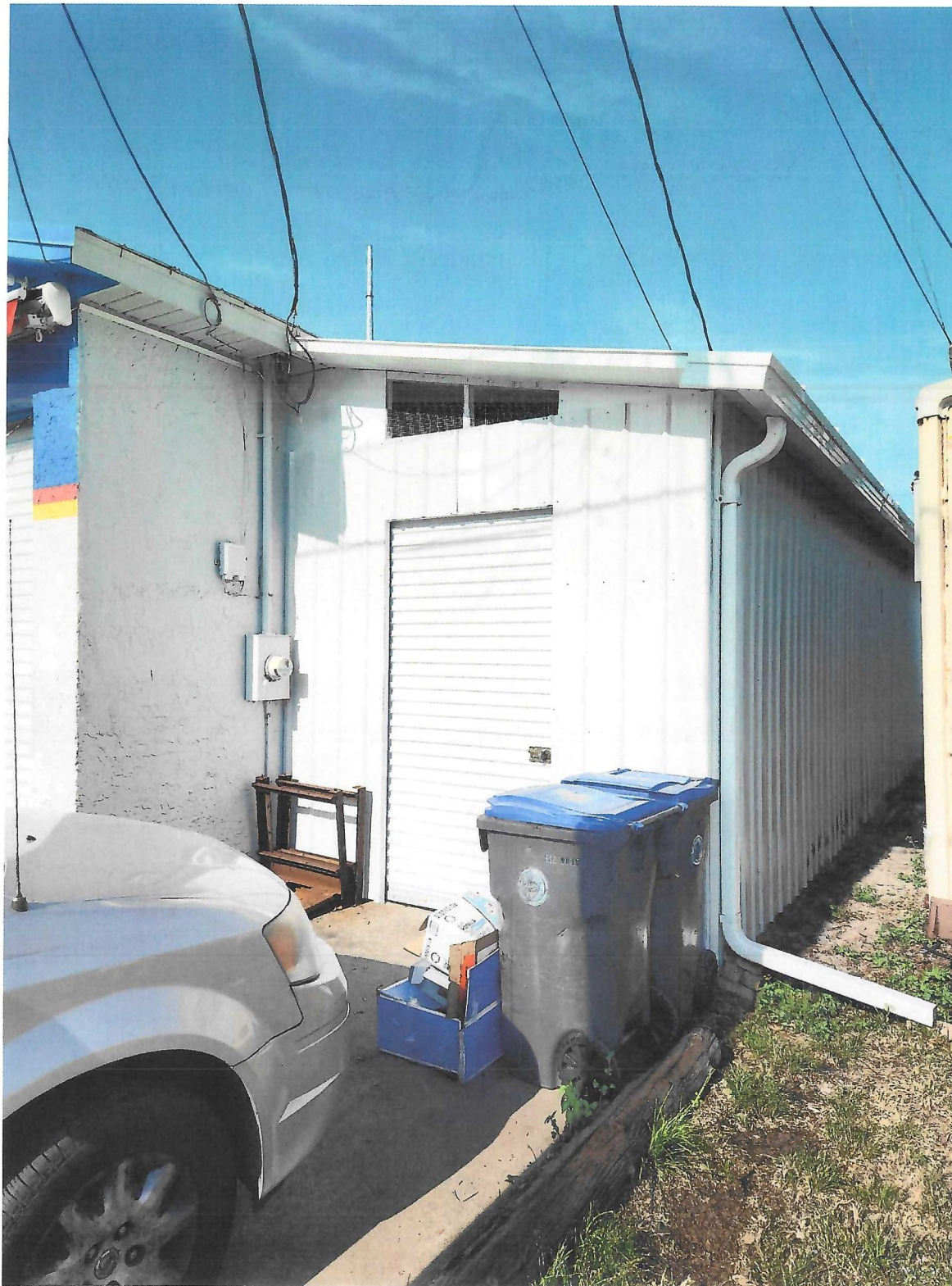
06/03/2025

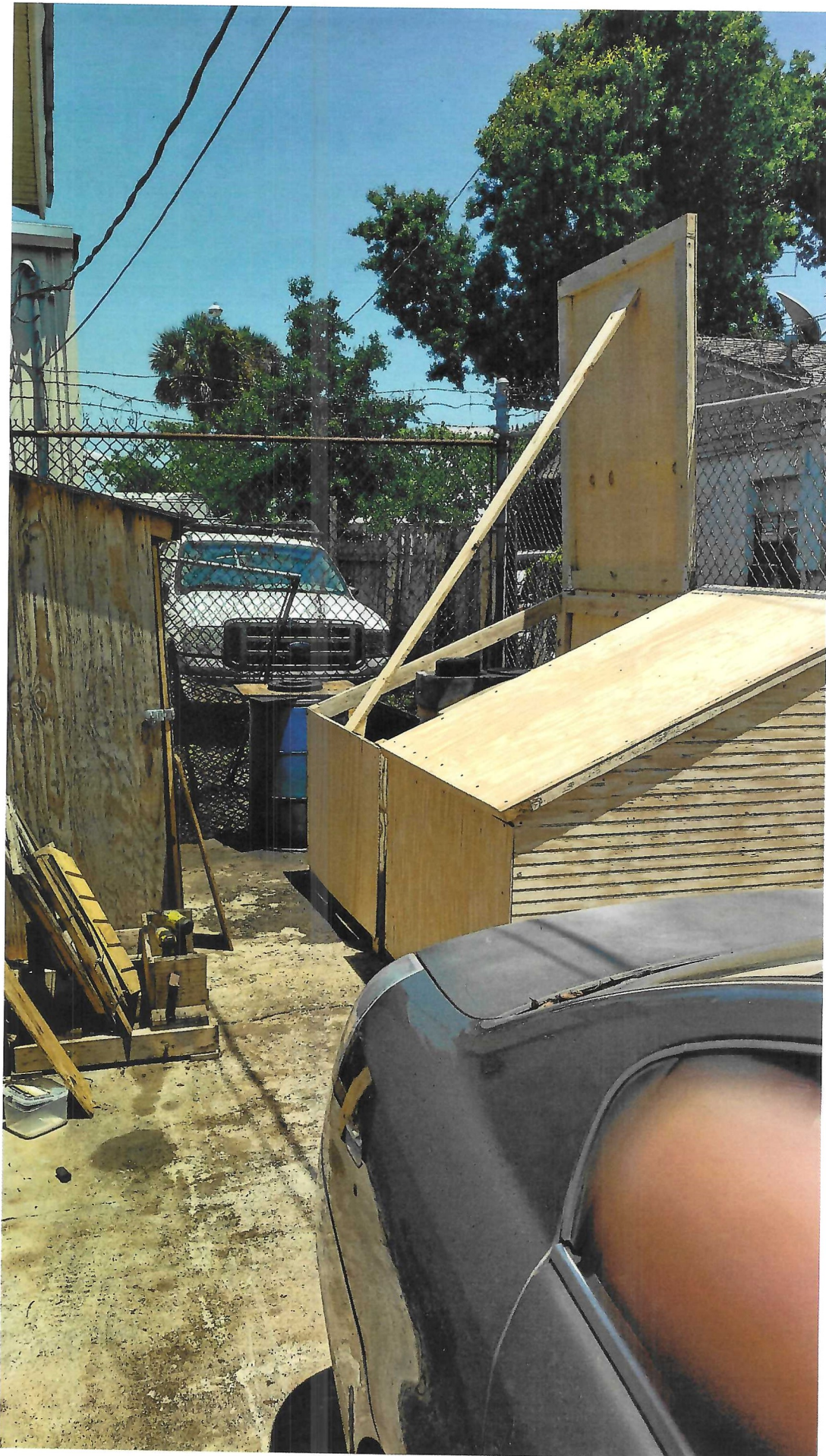
I, Jeffrey Duvall the owner of 165 Fisher Ave., Titusville, Florida 32796 I am happy to help Daves Auto and Dave Ruppe with this letter. I have no problem with the storage building next to our property. It has reduced the noises that come with his shop. I discussed the idea a little with him before he was building it and I like the way the gutter and drain spouts help water my small lawns. It also is much more attractive, and I do not have to see the oil barrels, tires, & used auto parts that used to be visible through the chain link fence that used to be there. Dave has been a kind neighbor and helpful with my car problems as well.

Thank You

Jeffrey Duvall

A handwritten signature in cursive script that reads "Jeffrey Duvall". The signature is written in black ink and is positioned below the printed name.

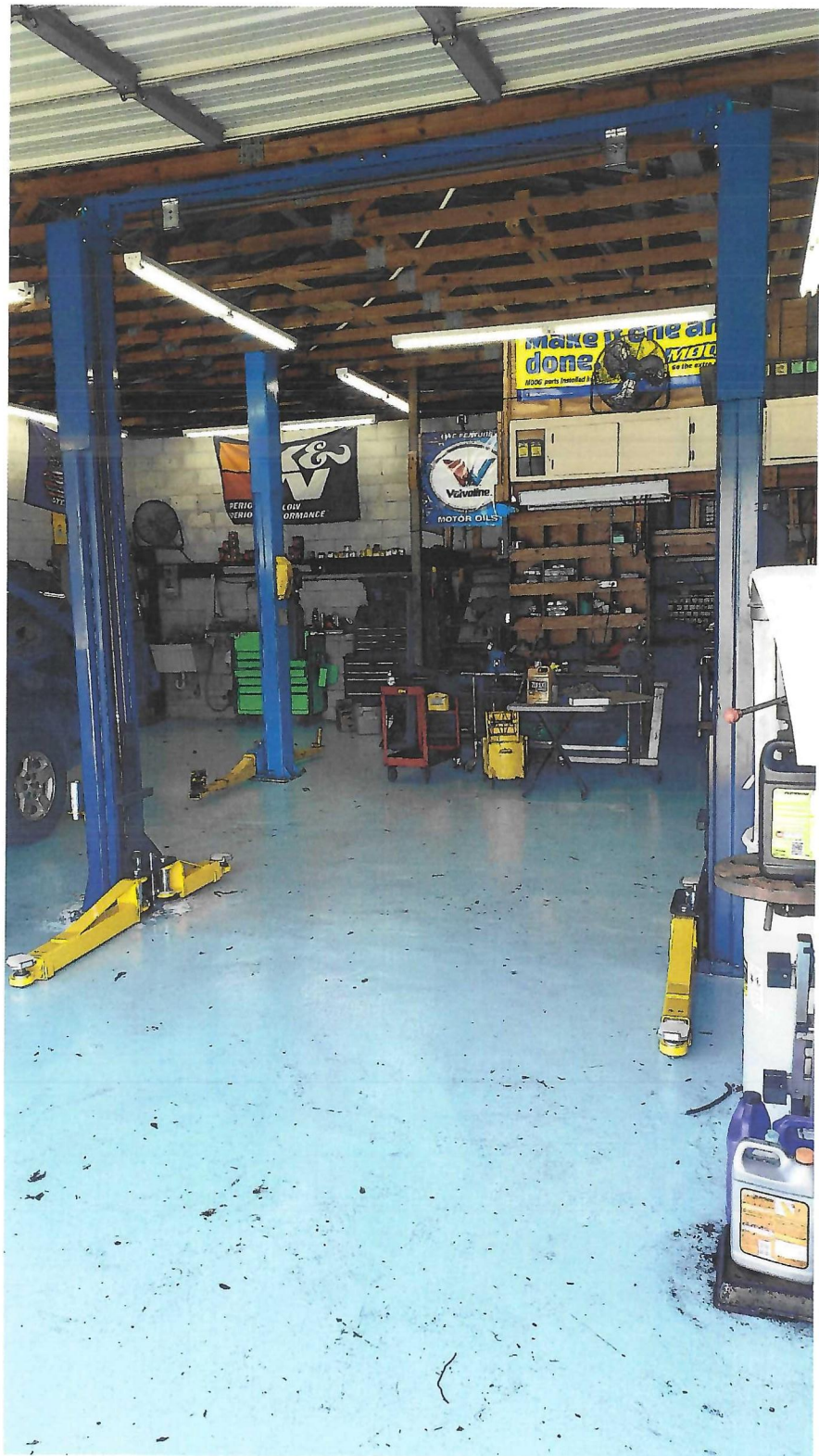






109

DAVE'S AUTO & MOBILE REPAIR
JASPER
ENGINES & TRANSMISSIONS
3 Year/100,000 Mile
Nationwide Warranty











DAVE'S AUTO AND MOBILE REPAIR.COM

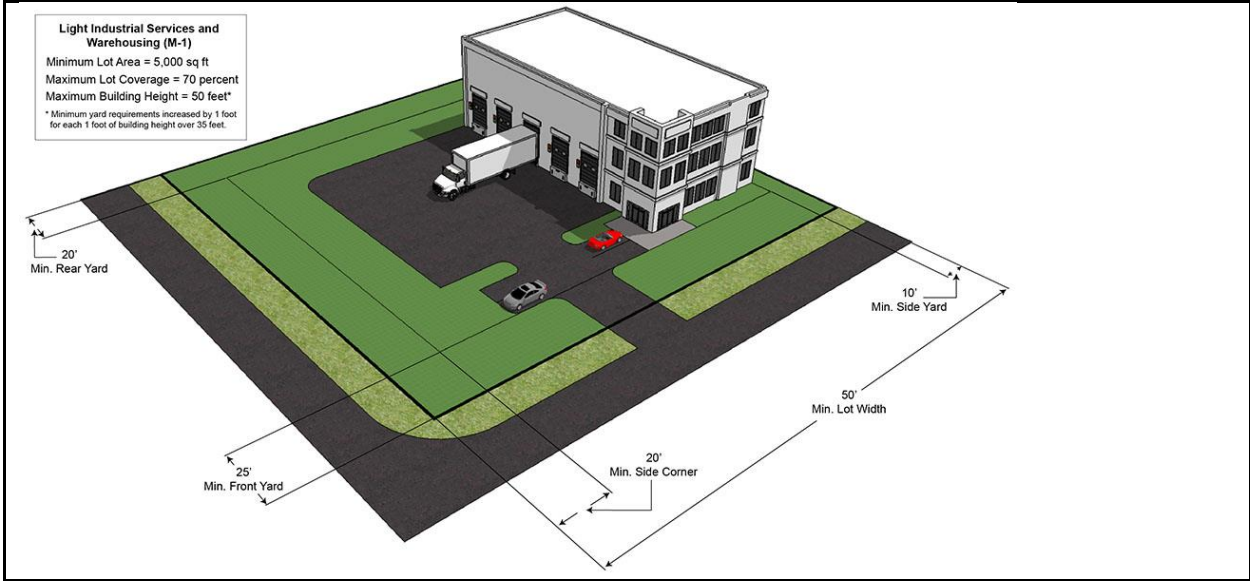


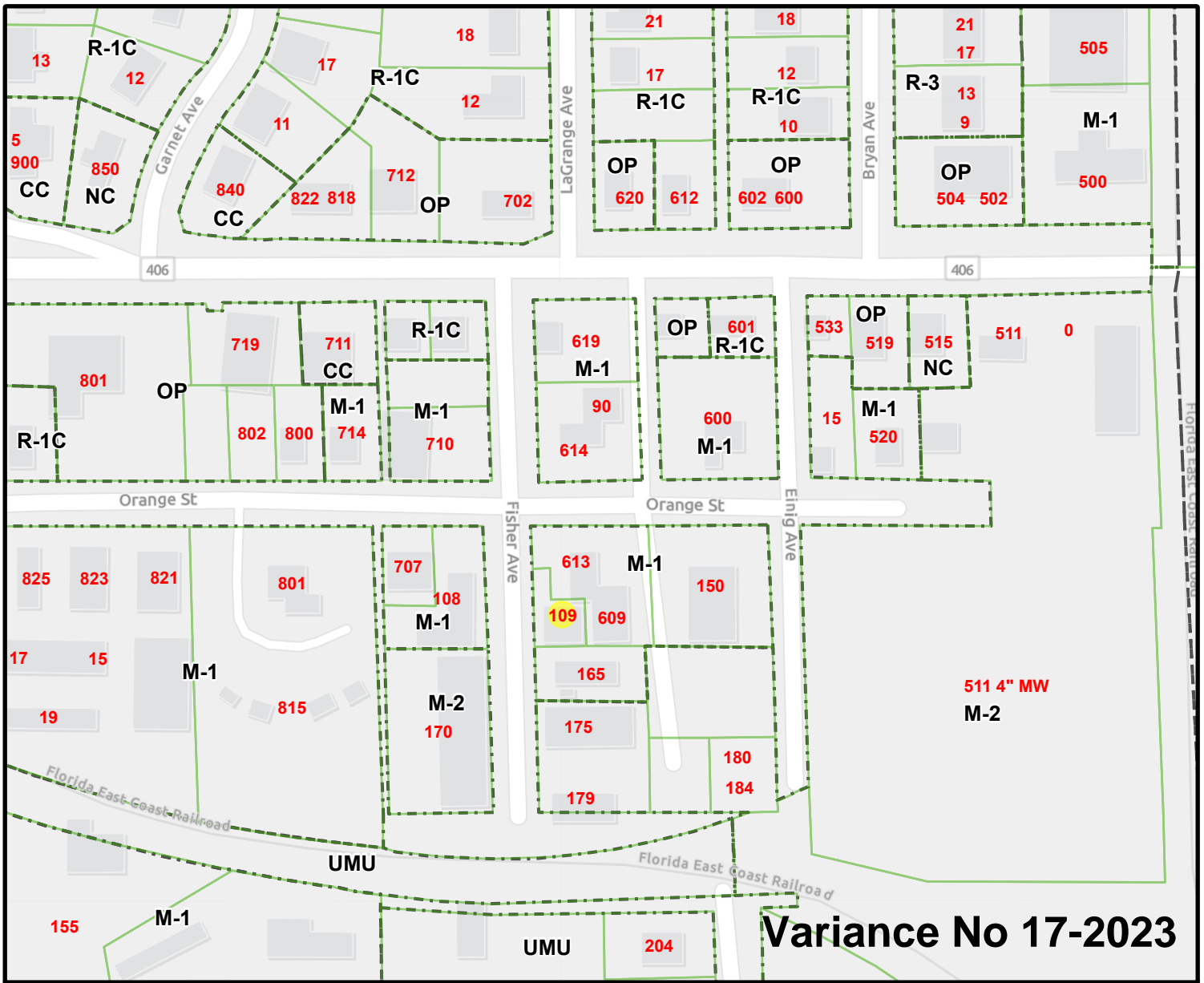




Sec. 28-317. Light Industrial Services and Warehousing (M-1).

Light Industrial Services and Warehousing (M-1)		
(a) Purpose		
The Light Industrial Services and Warehousing (M-1) District is intended to provide areas for service and repair establishments, personal storage facilities and warehousing, light manufacturing processing and distribution. It is further intended that new development within this district will accommodate limited industrial and support facilities. These regulations are designed for the general public and are intended to prevent or reduce friction between uses in the district and to protect nearby residential and commercial districts. This district is only appropriate in areas convenient to collector or higher classification roadways and served by public service and facilities.		
(b) Use Standards	Typical Lot Pattern	
See Chapter 28 Article IV and Article V		
(c) Intensity and Dimensional Standards		
Lot area, minimum (sq. ft.)		5,000
Lot width, minimum (ft.)		50
Density, maximum (du/ac)		NA
Floor area per dwelling unit, minimum (sq. ft.)		NA
Building coverage, maximum (% of lot area)		NA
Lot coverage, maximum (% of lot area)		70
Height, maximum (ft.)		50
Front yard setback, minimum (ft.)		25 ¹
Side corner yard setback, minimum (ft.)		20 ¹
Interior side yard setback, minimum (ft.)		10 ¹
Rear yard setback, minimum (ft.)		20 ¹
Accessory Use Development Standards		See Chapter 28 Article VII
NOTES:		
¹ Plus one (1) foot for each foot of building height over thirty-five (35) feet.		
<i>Typical Development Configuration (For illustrative purposes only)</i>		





Variance No 17-2023

ZONING MAP

RESIDENTIAL DISTRICTS

- RE RESIDENTIAL ESTATES
- RR RURAL RESIDENTIAL
- R-1A SINGLE FAMILY, LOW DENSITY
- R-1B SINGLE FAMILY, MEDIUM DENSITY
- R-1C SINGLE FAMILY, HIGH DENSITY
- R-2 MULTIFAMILY, MEDIUM DENSITY
- R-3 MULTIFAMILY, HIGH DENSITY
- RMH-1 RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION
- RMH-2 RESIDENTIAL MANUFACTURED HOUSING PARK

COMMERCIAL DISTRICTS

- HM HOSPITAL MEDICAL
- T TOURIST
- NC NEIGHBORHOOD COMMERCIAL
- CC COMMUNITY COMMERCIAL
- RC REGIONAL COMMERCIAL
- OP OFFICE PROFESSIONAL

SPECIAL DISTRICTS

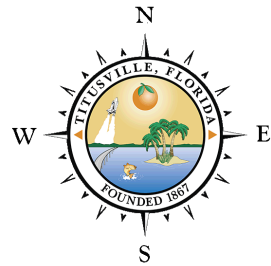
- GU GENERAL USE
- OR OPEN SPACE AND RECREATION
- UMU URBAN MIXED USE
- SMU SHORELINE MIXED USE
- RHP RESIDENTIAL HISTORIC PRESERVATION
- RMU REGIONAL MIXED USE
- PD PLANNED DEVELOPMENT
- P PUBLIC
- UV URBAN VILLAGE
- DMU DOWNTOWN MIXED USE
- IRCNR INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
- IRCNC INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL

INDUSTRIAL DISTRICTS

- M-1 LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
- M-2 HEAVY INDUSTRIAL
- M-3 HIGHWAY INDUSTRIAL INFILL
- PID PLANNED INDUSTRIAL DEVELOPMENT

OVERLAY DISTRICTS

- TSA TITUSVILLE SHORELINE AREA
- AIA AIRPORT IMPACT AREA
- WCA WETLAND AND CONSERVATION AREA
- ACC AREA OF CRITICAL CONCERN
- HPA HISTORIC PRESERVATION AREA



City of Titusville
"Gateway to Nature and Space"

REPORT

To: Members of the Board of Adjustments and Appeals
From: Bradley Parrish, Community Development Director
Subject: **Variance 22-2025 - 2730 Hillcrest Ave**
Department/Office: Planning

Recommended Action:

Consider the requested variance to allow less than the required 10-foot interior side yard setback for a pool enclosure for property located at 2730 Hillcrest Ave.

Summary Explanation & Background:

The applicant is requesting a variance to the Land Development Regulations, Chapter 28, Section 28-391. Residential accessory buildings and structures. Section 28-391(g)(2) - To allow less than the required 10-foot interior side yard setback for a pool enclosure, for property located in the Single-Family Low Density (R-1B) zoning district, at 2730 Hillcrest Ave, Titusville, FL 32796, as submitted by Gerald E Folsom and Mavis A Folsom, owners

Alternatives:

1. Approve the variance -- Move to approve the request for a variance to Land Development Regulations Section 28-391(g)(2) to allow less than the required 10-foot interior side yard setback for a pool enclosure.
2. Deny the variance -- Move to deny the request for a variance to Land Development Regulations Section 28-391(g)(2) to allow less than the required 10-foot interior side yard setback for a pool enclosure. (Include reasoning for denial)

Item Budgeted:

N/A

Source/Use of Funds/Budget Book Page:

Strategic Plan:

Strategic Plan Impact:

ATTACHMENTS:

1. Variance 22-2025 Staff Report
2. Application
3. Plot Plan
4. Survey
5. Maps
6. Code



City of Titusville Community Development

1 **BOARD OF ADJUSTMENTS AND APPEALS**

2 **Variance (VAR) No. 22-2025, 2730 Hillcrest Ave**

3 **Meeting Date:** September 24, 2025

4 **Prepared By:** Tabitha Armstrong, Planner

5 **Applicant:** Gerald Folsom & Mavis Folsom, owners.

6 **Background**

7 (a) Variance request: Land Development Regulations, Chapter 28, Section 28-391.
8 Residential accessory buildings and structures. Section 28-391(g)(2) - *To allow less*
9 *than the required 10-foot interior side yard setback for a pool enclosure*, for
10 property located in the Single-Family Low Density (R-1B) zoning district, at 2730
11 Hillcrest Ave, Titusville, FL 32796, as submitted by Gerald E Folsom and Mavis
12 A Folsom, owners.

13 (b) Location: 2730 Hillcrest Ave, Titusville, FL. Tax No. 2202531. Parcel I.D. 22-35-
14 05-76-6-7

15 (c) Land Description: FOREST HILLS ESTATES 1ST ADDN LOT 7 BLK 6

16 (d) Future Land Use: Low Density Residential

17 (e) Zoning: Single Family Medium Density (R-1B)

18 (f) Surrounding Zoning Districts.

19 1. North: Single Family Medium Density (R-1B)

20 2. South: Single Family Medium Density (R-1B)

21 3. East: Single Family Medium Density (R-1B)

22 4. West: Single Family Medium Density (R-1B)

23 (g) Lot Characteristics: The subject property is approximately .24 acres (10,454 sq. ft)
24 and with approximately 98.11 feet of frontage along Hillcrest Ave. These

Board of Adjustments and Appeals: Variance No. 22-2025

1 dimensions meet the minimum 10,000 sq. ft lot area and 75-foot lot width for a
2 single-family home within the Single-Family Medium Density (R-1B) zoning
3 district.

4 (h) Uses: Single Family Dwelling

5 Powers of the BAA

6 LDR Section 34-226 states that the Board shall grant a variance request when in the
7 opinion of the Board of Adjustments and Appeals, owing to special conditions, the
8 literal enforcement of such ordinance or regulations would do manifest injustice to, or
9 impose an unnecessary hardship upon the applicant. In order to authorize any variance
10 to the provisions of such ordinance, the Board must consider the following criteria:

11 (a) Special conditions and circumstances exist which are peculiar to the land,
12 structure, or building involved and which are not applicable to other lands,
13 structures or building in the same zoning.

14 (b) Special conditions and circumstances do not result from the actions of the
15 applicant.

16 (c) Granting the variance requested will not confer upon the applicant any special
17 privilege that is denied by the ordinance to other lands, buildings or structures in
18 the same zoning district.

19 (d) The literal interpretation of the provisions of the ordinance would deprive the
20 applicant of rights commonly enjoyed by other properties in the same zoning
21 district under the terms of the ordinance.

22 (e) The variance granted is the minimum variance that will make possible the
23 reasonable use of the land, building or structure.

24 (f) The granting of the variance will preserve the spirit of the ordinance and remain
25 in harmony with its general purpose and intent.

26 (g) In granting the variance, the public safety and welfare must be assured.

27 (h) In no case shall the granting of a variance result in a change of use, which would
28 not be permitted in that zone.

29 Analysis

30 The applicant is requesting a variance to Land Development Regulations (LDR)
31 Section 28-391(g)(2) to allow a pool enclosure to encroach 5 feet into the required
32 10-foot interior side yard setback. The property is located within the Forest Hills
33 Estates subdivision and contains a single-family dwelling constructed in 1964.

Board of Adjustments and Appeals: Variance No. 22-2025

1 An in-ground swimming pool and surrounding deck are located behind the residence.
2 The applicant is proposing to construct a screened enclosure over the existing
3 decking. The Land Development Regulations require a 10-foot interior side yard
4 setback for pool enclosures. As designed, the proposed enclosure would encroach 5
5 feet into the required setback, resulting in a minimum setback of 5 feet at the
6 southeast corner of the structure and 9 feet 6 inches at the northeast corner. This
7 variation occurs because the existing deck does not run parallel to the property line
8 and pulls inward as it extends northward.

9 Based on the submitted survey, the applicant would be unable to meet the required
10 setbacks for the pool enclosure. The survey indicates that the existing pool is
11 approximately 10 feet from the interior side lot line, which does not meet the current
12 13-foot setback requirement for swimming pools. Staff have been unable to locate a
13 building permit for the construction of the pool; therefore, it cannot be confirmed
14 whether the pool was originally permitted.

15 **Recommendation**

16 Staff recommend **denial** of the variance. It appears that the special conditions and
17 circumstances are the result of the actions of the applicant. Granting the variance
18 requested may confer upon the applicant special privilege that is denied by the
19 ordinance to other lands, buildings or structures in the same zoning district.



Gateway to Nature & Space



APPLICATION FOR VARIANCE

Please submit electronically a completed application and required submittals to the Community Development Department for payment and meeting scheduling. Chapter 34 of the Titusville Land Development Regulations contains the instructions for filing and the required exhibits. INCOMPLETE APPLICATIONS SHALL NOT BE ACCEPTED.

1. Project Location	Property Address/Location Description 2730 Hillcrest Ave. 32796																																						
2. Applicant/ Owner	Name of Applicant/Contact Gerald + MAVIS Folsom	Name of Owner Gerald + MAVIS Folsom																																					
	Street Address	Street Address																																					
	2730 Hillcrest Ave.	2730 Hillcrest Ave. 32796																																					
	City State Zip	City State Zip																																					
	561-578-3699 32796	561-578-3688																																					
	Telephone #	Telephone #																																					
Fax #	Fax #																																						
E-Mail Address	E-Mail Address																																						
MAVIS.Folsom5@gmail.com																																							
3. Applicant Status	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Agent <input type="checkbox"/> Other																																						
4. Parcel ID	22-36-05-76-6-7	Tax Acct.	2202531																																				
5. Site Size	Acres: .24	Square Feet: 8 10,454																																					
6. Property Information	Current Zoning R-1B		Current Use of Property Single Family																																				
7. Variance(s) Requested	<table border="1"> <thead> <tr><th colspan="2">Section Number</th></tr> </thead> <tbody> <tr><td>1)</td><td>28-391</td></tr> <tr><td>2)</td><td></td></tr> <tr><td>3)</td><td></td></tr> <tr><td>4)</td><td></td></tr> <tr><td>5)</td><td></td></tr> </tbody> </table>	Section Number		1)	28-391	2)		3)		4)		5)		<table border="1"> <thead> <tr><th colspan="2">LDR Requirement</th></tr> </thead> <tbody> <tr><td>1)</td><td>10 FT.</td></tr> <tr><td>2)</td><td></td></tr> <tr><td>3)</td><td></td></tr> <tr><td>4)</td><td></td></tr> <tr><td>5)</td><td></td></tr> </tbody> </table>	LDR Requirement		1)	10 FT.	2)		3)		4)		5)		<table border="1"> <thead> <tr><th colspan="2">Variance Requested</th></tr> </thead> <tbody> <tr><td>1)</td><td>3 FT.</td></tr> <tr><td>2)</td><td></td></tr> <tr><td>3)</td><td></td></tr> <tr><td>4)</td><td></td></tr> <tr><td>5)</td><td></td></tr> </tbody> </table>	Variance Requested		1)	3 FT.	2)		3)		4)		5)	
Section Number																																							
1)	28-391																																						
2)																																							
3)																																							
4)																																							
5)																																							
LDR Requirement																																							
1)	10 FT.																																						
2)																																							
3)																																							
4)																																							
5)																																							
Variance Requested																																							
1)	3 FT.																																						
2)																																							
3)																																							
4)																																							
5)																																							
8. Narrative	<p>Please provide a brief description of your request and the proposed project: (Please complete justification questions on page 4 of this application)</p> <p>Reduce setback for screen patio</p>																																						

- **All applications shall require Community Development staff review prior to submittal.**
- All applications shall be submitted to the Department electronically and officially logged in by **end of business day**.
- Incomplete applications and applications without appropriate backup information/justification will not be accepted and will not be considered to be officially submitted until the appropriate information and fees are submitted. Meeting dates for incomplete applications will not be set until all required information and fees are submitted.
- Petitions requiring review from other boards or commissions prior to being forwarded to the Board of Adjustments and Appeals (BAA) are not guaranteed placement on the BAA schedule available on the City's website.

ACKNOWLEDGEMENT

I am the owner and/or legal representative of the owner of the property described which is the subject of this application. All answers to the questions in said application and all sketches and data attached to and made a part of this application are honest and true to the best of my knowledge and belief. Should this application be granted, I understand that any condition(s) imposed upon the granting of this request shall be binding to the owner, his heirs and successors in title to possession of the subject property. I understand that I must attend all applicable meetings and have been informed of the meeting date(s) and time(s). I understand that if I fail to appear at an applicable meeting, the appropriate Board or Commission may either table or deny the request.

This matter is subject to quasi-judicial rules of procedure. Interested parties should limit contact with the City Council, Board of Adjustment & Appeals, and Planning & Zoning Commission on this topic to properly noticed public hearings or to written communication to the City Clerk's Office, City of Titusville, P.O. Box 2806, Titusville, FL 32781

Is/ Maria Folsom 8/25/25
 (Signature*) (Date)

* By entering your name in the "Signature" box above, you are signing this Application electronically. You agree your electronic signature is the legal equivalent of your manual signature on this Application. By entering your name in the "Signature" box above, you consent to be legally bound by this Application's terms and conditions.

Date received: _____

Accepted by _____

Variance Justification

In answering the questions below, please be as specific as possible. Your answers will help the Board of Adjustments and Appeals and City staff to properly evaluate your variance request.
(Please attach a separate sheet if necessary)

1. Why are you unable to comply with the requirements? What hardship or injustice are you claiming?

our back neighbors does not cut there property trees that hang over our property so our pool gets all there ants + bugs, and we can't swim in our pool

2. What is special about your property that would justify treating it differently than most other properties? (Examples of important special conditions include: narrow or odd shaped lot; excessive slope of land; soil or drainage limitations; unusual location of existing buildings on the lot; etc.) If the special conditions involve an existing building or structure, when was it built and are you the original owner?

We keep our property trimmed + clean, but they do not,

3. Is your variance request the minimum change from the requirements that you need to overcome your hardship? Explain your answer. (For example, suppose you are requesting a 5 foot variance to the side yard setback requirement in order to build a single car garage 15 feet wide. Your request would not be the minimum since a single car garage 11 feet wide would be adequate and would only require a 1 foot variance.)

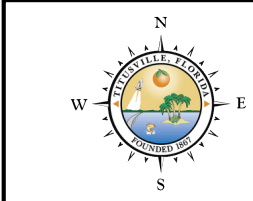
Yes we have a 2 car garage all we need is our pool screened in order to enjoy our pool.

4. Explain why approval of your variance request would not likely result in harm to your neighbor's properties or to the general public.

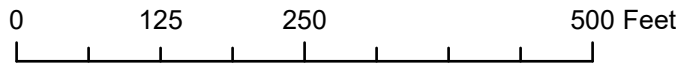
We have our property fenced in + we keep it clean + up to par.



SUBJECT PROPERTY



Aerial 2024 VAR #22-2025





FEMA FLOOD HAZARD AREAS

VAR #22-2025




Special Flood Hazard Area Zones

-  A
-  A0
-  AE
-  AO
-  VE

Moderate Flood Hazard Area Zone

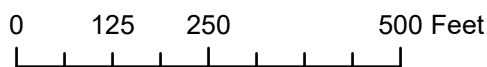
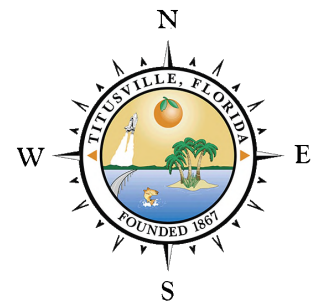
-  X5

Minimal Flood Hazard Zones

-  C
-  X
-  X.2 PCT

Other Flood Zone Areas

-  D
-  FW

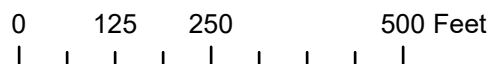
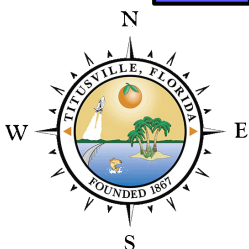


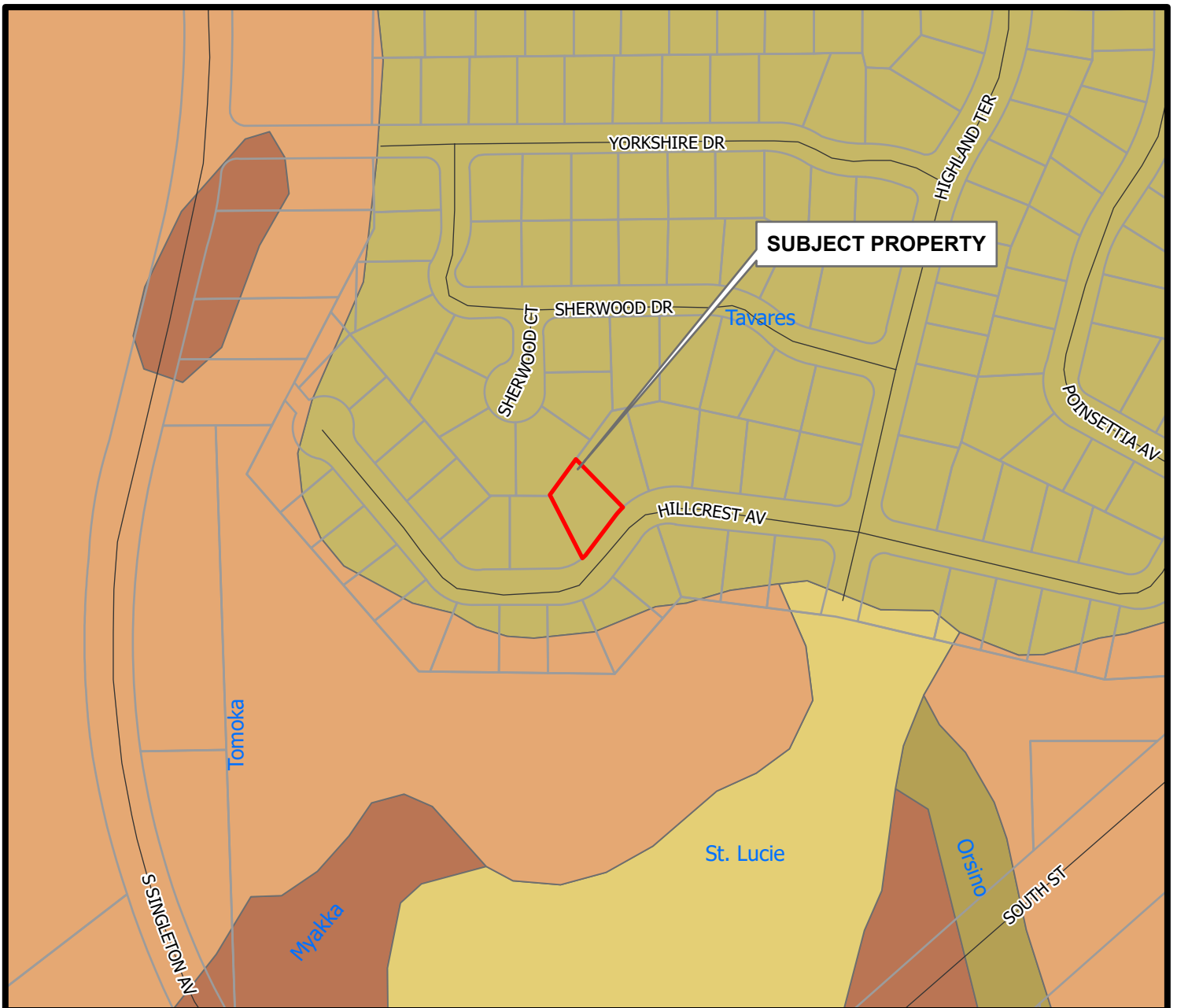


LOCATION OF PROPERTY AND FUTURE LAND USE MAP

CHI COMMERCIAL HIGH INTENSITY	ED EDUCATIONAL	PIP PLANNED INDUSTRIAL PARK	RES-2 RESIDENTIAL-2
CLI COMMERCIAL LOW INTENSITY	IND INDUSTRIAL	PSP PUBLIC/ SEMI-PUBLIC	RMU REGIONAL MIXED USE
CONS CONSERVATION	HDR HIGH-DENSITY RESIDENTIAL	PUD PLANNED UNIT DEVELOPMENT	SMU SHORELINE MIXED-USE
DMU DOWNTOWN MIXED-USE	MDR MEDIUM-DENSITY RESIDENTIAL	REC RECREATIONAL	UMU URBAN MIXED-USE
LDR LOW-DENSITY RESIDENTIAL	RES-1 RESIDENTIAL-1	US1 US-1 CORRIDOR	

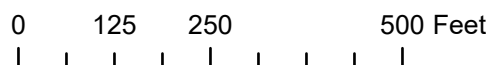
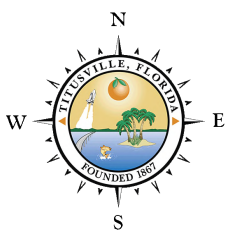
Subject





SOILS IN THE VICINITY OF SUBJECT PROPERTY VAR #22-2025

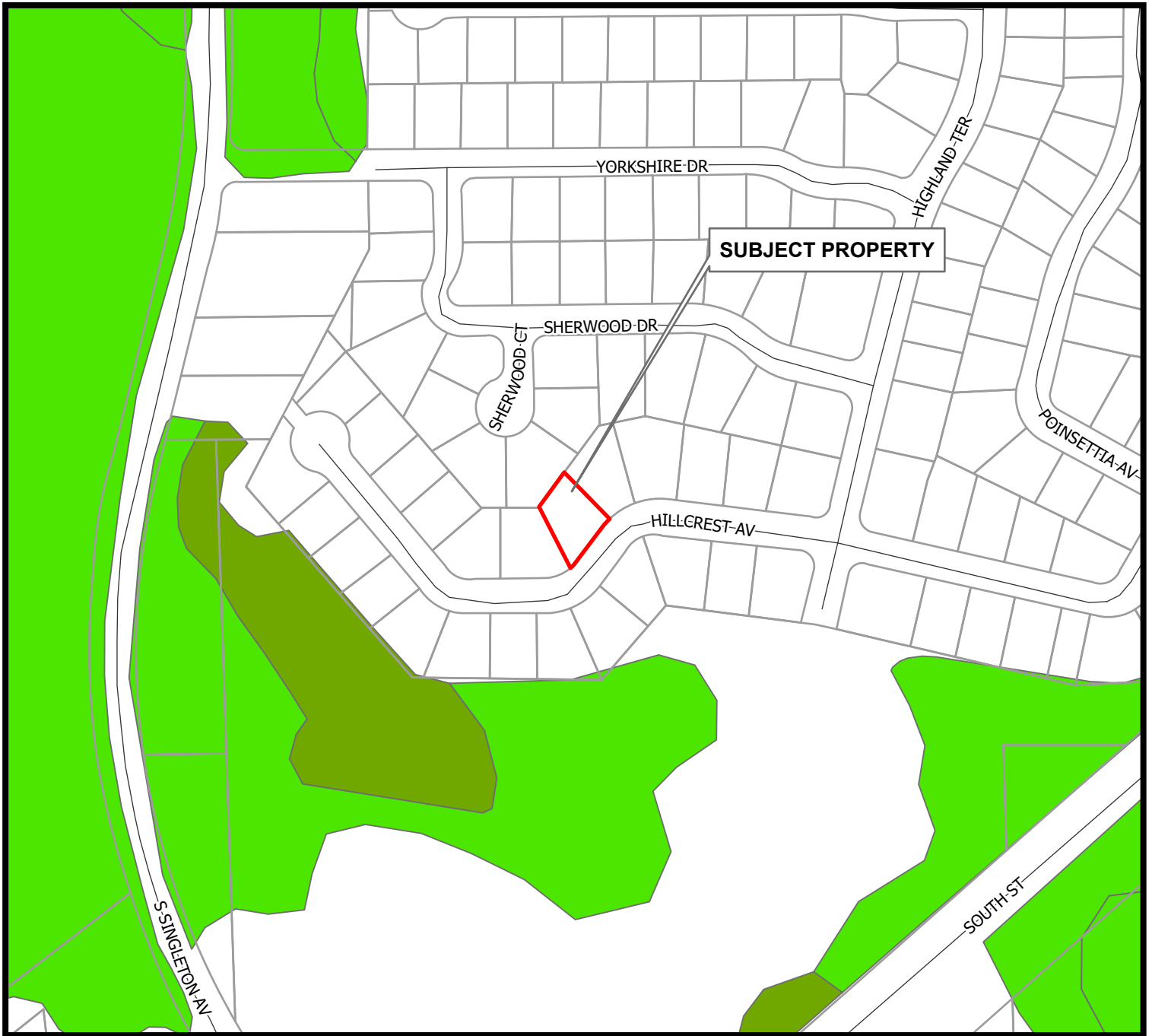
- Myakka
- Orsino
- St. Lucie
- Tavares
- Tomoka



Community Development Department

Soils data source: The U.S. Department of Agriculture, Natural Resources Conservation Service. (2024)

9/11/2025



WETLANDS IN VICINITY OF PROPERTY

VAR #22-2025



WETLAND_TY

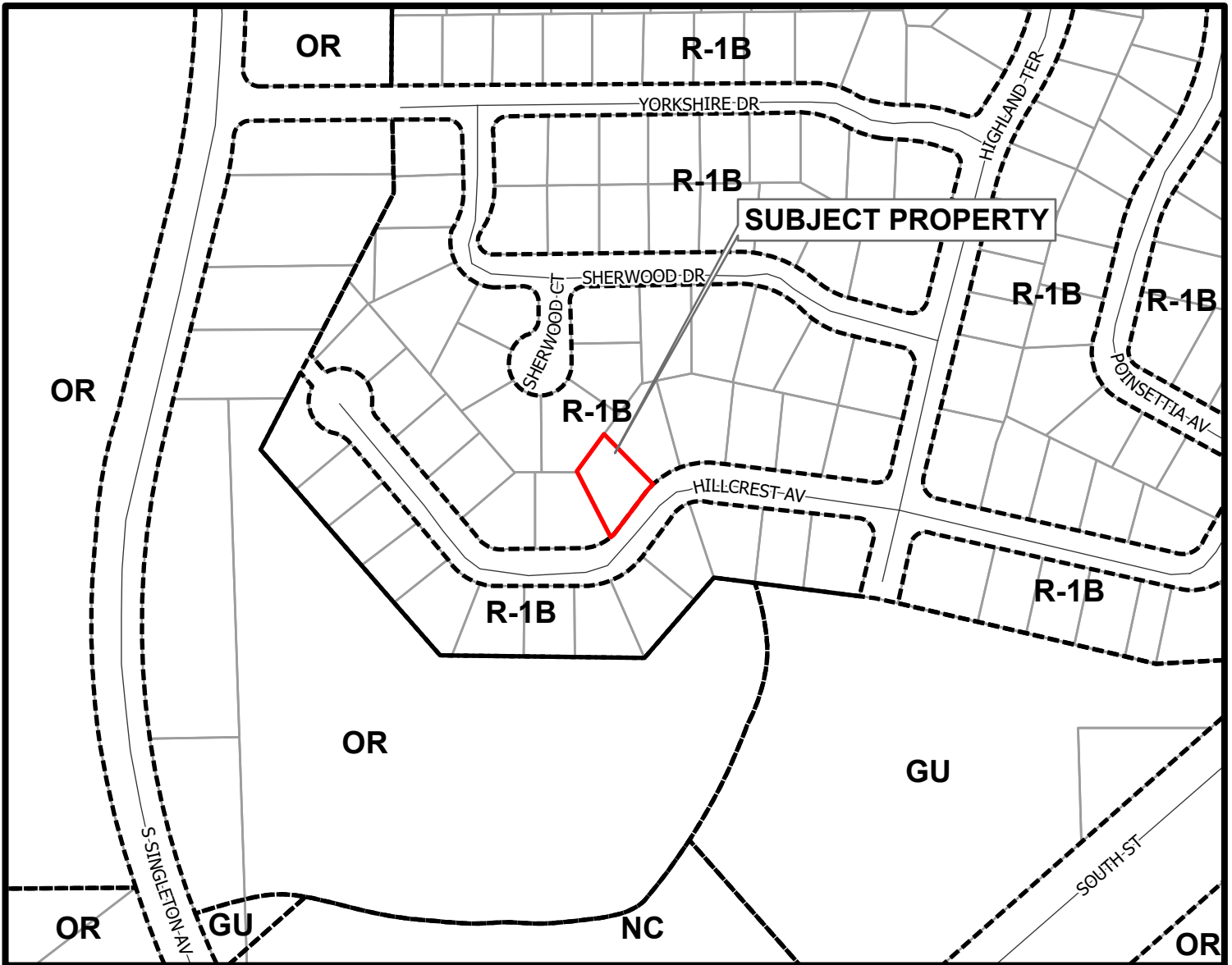
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland

- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Riverine

9/11/2025

Scale:1:3,000

Community Development Department
Source: USFWS NWI (2023)



ZONING MAP

RESIDENTIAL DISTRICTS

- RE RESIDENTIAL ESTATES
- RR RURAL RESIDENTIAL
- R-1A SINGLE FAMILY, LOW DENSITY
- R-1B SINGLE FAMILY, MEDIUM DENSITY
- R-1C SINGLE FAMILY, HIGH DENSITY
- R-2 MULTIFAMILY, MEDIUM DENSITY
- R-3 MULTIFAMILY, HIGH DENSITY
- RMH-1 RESIDENTIAL MANUFACTURED HOUSING SUBDIVISION
- RMH-2 RESIDENTIAL MANUFACTURED HOUSING PARK

COMMERCIAL DISTRICTS

- HM HOSPITAL MEDICAL
- T TOURIST
- NC NEIGHBORHOOD COMMERCIAL
- CC COMMUNITY COMMERCIAL
- RC REGIONAL COMMERCIAL
- OP OFFICE PROFESSIONAL

INDUSTRIAL DISTRICTS

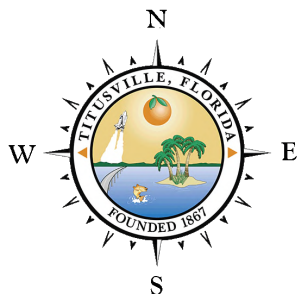
- M-1 LIGHT INDUSTRIAL SERVICES AND WAREHOUSING
- M-2 HEAVY INDUSTRIAL
- M-3 HIGHWAY INDUSTRIAL INFILL
- PID PLANNED INDUSTRIAL DEVELOPMENT

OVERLAY DISTRICTS

- TSA TITUSVILLE SHORELINE AREA
- AIA AIRPORT IMPACT AREA
- WCA WETLAND AND CONSERVATION AREA
- ACC AREA OF CRITICAL CONCERN
- HPA HISTORIC PRESERVATION AREA

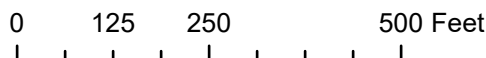
SPECIAL DISTRICTS

- GU GENERAL USE
- OR OPEN SPACE AND RECREATION
- UMU URBAN MIXED USE
- SMU SHORELINE MIXED USE
- RHP RESIDENTIAL HISTORIC PRESERVATION
- RMU REGIONAL MIXED USE
- PD PLANNED DEVELOPMENT
- P PUBLIC
- UV URBAN VILLAGE
- DMU DOWNTOWN MIXED USE
- IRC-N INDIAN RIVER CITY NEIGHBORHOOD RESIDENTIAL
- IRC-C INDIAN RIVER CITY NEIGHBORHOOD COMMERCIAL



Base Map

- City Limits
- Zoning
- Subject



Sec. 28-391. Residential accessory buildings and structures.

- (a) Accessory buildings and structures may be erected on any lot, provided that such buildings and structures comply with the provisions of this section.
- (b) No accessory building or structure shall be constructed on any lot of record which does not have a completed principal structure on the same lot.
- (c) The cumulative area of all accessory buildings or structures, excluding swimming pools and pool enclosures, shall not exceed fifty (50) percent of the square foot area of the principal structure.
- (d) Any accessory building or structure, excluding swimming pools and pool enclosures, exceeding twenty (20) percent of the square foot area of the principal structure shall be compatible in architectural style, color and exterior facing material to the principal structure.
- (e) A building permit is required for all accessory buildings and structures. Accessory structures not exceeding one hundred twenty (120) square feet, which are not physically anchored shall not require a permit. No accessory structure or equipment, such as permanently installed generators, shall encroach into a utility/drainage easement.
- (f) Accessory structures shall not be located in the front yard with the following exception:
 - (1) One (1) detached landscape feature, arbor, or trellis under one hundred twenty (120) square feet, with a maximum height of twelve (12) feet, a minimum of five (5) feet from the property line, and shall not be placed in the sight distance triangle as specified in the City's Transportation Technical Manual. Such landscape feature shall not be used for storage, including vehicular storage.
 - (2) Accessory buildings and structures, including a swimming pool, may be located in the front yard of a single-family residential lot when the lot is five hundred (500) feet or greater in depth, provided that all accessory structures are set back a minimum of one hundred (100) feet from the front property line.
- (g) Accessory buildings and structures shall meet the standards for the zoning district in which they are located with the following exceptions:
 - (1) Rear yard setbacks for accessory buildings and structures (all dimensions are in feet):

	RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP	SMU	RMU
Detached Building/ Structures	10	10	7.5	5	5	5	5	5	15	5	5	5
Attached Screen Porches	20	20	20	15	15	10	10	7.5	15	15	15	15
Swimming Pools	13	13	10.5	8	8	8	8	8	18	8	8	8
Pool Enclosures	10	10	7.5	5	5	5	5	5	15	5	5	5

- (2) Side yard setbacks for accessory buildings and structures (all dimensions are in feet):

	RE	RR	R-1A	R-1B	R-1C	R-2	R-3	RMH-1	RMH-2	RHP	SMU	RMU

Detached Building/ Structures	10	10	7.5	5	5	5	10	5	15	5	5	5
Attached Screen Porches	20	15	15	10	10	10	10	7.5	15	10	15	15
Swimming Pools	23	18	18	13	13	13	13	10.5	18	13	8	8
Pool Enclosures	20	15	15	10	10	10	10	7.5	15	10	5	5

(Ord. No. 32-2018, § 1, 7-24-18; Ord. No. 12-2019, § 3, 4-9-19)