We purchased the house in Brevard at 188 Ashworth Ave at the end of August 2024. Mid September we visited the house and spoke to a few neighbors about a fence and deck. We were given the name of a fence company, J & M Fencing. J & M had done a few installs on our street, so we were able to see their work. Unfortunately, our stay was cut short as Megan fell down a flight of stairs at the house. I was in CT shipping things from storage to Brevard when I got the call she was taken to the emergency room. I returned to Brevard the following morning. She was diagnosed at the hospital with a concussion. The following day she was in pain so we returned to the emergency room. She was then diagnosed with 3 broken ribs. We decided to head home as she was in pretty rough shape. Once home I spoke to J & M Fence company about the fence and deck. We agreed on a price and put a deposit down. We checked to see if they were licensed and felt comfortable as we had also seen their work. J & M said they would take care of all the requirements for the install. The project was started several weeks later.

Roughly 4-5 weeks later in FL, Megan was experiencing stroke like symptoms. We went to the emergency room. I had the Brevard records sent to the local hospital. With some prompting they finally agreed to run another brain scan. Once the scan was completed, she was rushed into ICU and emergency brain surgery was scheduled that evening to stop the bleeding. She had 10 millimeters of blood on her brain. She remained in ICU for 2 weeks until a second brain surgery was performed to remove the blood from her brain. This procedure involved cutting her head open and drilling through the skull. She remained in ICU for another week, then to a trauma floor for an additional week, before rehab for an additional 2 weeks. She currently has 80% usage of her arms and legs, and her speech is coming along. She has had 2 seizures, cannot drive, and is under the care of in-home PT and OT.

I tell you all of this so you will not think I have avoided a response. We did not have enough time to put a mailbox in. I made sure that the county and city tax bills, as well as the utility bills came to my FL address. I was also told to contact a number to register our address in Brevard, which I did. I was not aware of who else to notify. I was just in Brevard for a few days to check on the house when I was told I had a certified mailing form the city of Brevard at my FL address. I chased it down only to find out our deck is not in compliance, and that our contractor never pulled a permit. It is my understanding that the fence is to code, but I will need to pull a permit, and pay a fine for that. The deck is not in compliance with the cities required setbacks. I would like to request a variance. My reason for asking for a variance would be the water issues on Turnpike Road. Turnpike Road off of Country Club Road is a steep decline. Turnpike ascends after the cross street of Ashworth Ave. Our house sits at the bottom of the decline and the bottom of the ascend. Our

property gets water from all sides that saturates a majority of the land. Two houses up on Turnpike Road had to dig up their driveway and put a drainage pipe in and repave over it. The water had eroded their driveway. They have a deck in the back of their house above where the water flows down to Ashworth Ave. Without that deck the ground would be saturated with ground water and unusable. The house directly behind me is losing their driveway. All of their water is draining on my side and back yard. They too will need to build a retaining wall, or some additional drainage to keep a parking space. They also have a deck that sits above the water flow, which allows for the water to get to the drainage on Ashworth Ave. Water follows the path of least resistance down Turnpike and in the back lots of houses on Turnpike. Those paths go all over my property to the drainage gully on Ashworth. All sides of my house are affected with water going to the drainage area. The deck is above the water that flows down. It allows for water to continue down to the drainage area without disrupting its path. The deck is to create a dry outside space, without affecting the water flow. I'm told there is a French drain around my house which should avoid flooding the crawl space. The house sits up slightly, so the water creates grooves throughout the property slightly lower to get to the drainage area. The deck sits above the drainage grooves and allows for outside space without affecting water flow.

Based on the above, we would like to request a variance based on table 2.7.2-B / setbacks for principal structures. We are in district GR (4,8) Front setback of 15 feet. Although this is actually our side yard on a survey, it is on a frontage street of Turnpike Road. We are seeking a front road variance of 15 feet from the front yard setback, resulting in 0 feet for the deck to the setback line. The variance would allow for us to use some of our outside space.

1. Unnecessary hardship would result from the strict application of the regulation. The hardship is that the land is a wet area on all sides, and the ground is uneven due to the rain creating ruts in the ground. It is unsafe to walk on, and will always remain unsafe even if corrected. Heavy rain will just continue to find paths down the hill on Turnpike Road. The deck would not interfere with drainage.
2. The hardship results from conditions that are particular to the property. The property topography is such that it allows for drainage to the drains on Ashworth. The deck allows for some use of the property and avoids any safety concerns of the property. The rain ruts have caused severe erosion throughout the property. These ruts even if repaired will come back with heavy rain.
3. The hardship did not result from actions taken by the applicant or the property owner. The topography of the property is sloped throughout. A deck does not interfere with drainage or anything environmental. Without a raised structure, the

land is unusable as water creates ruts in the ground that make it unsafe to walk around. 4. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved. The deck is fenced in and allows for drainage below. The deck also allows for a small amount of outside space for someone in a wheelchair. There are no safety issues with having the deck. Adversely, without the deck there are safety issues.

Sincerely,
Lindy Curran