

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

Yes. If Yes, indicate case number _____, and

name of contractor _____

No.

Prerequisites to granting of variance:

A variance may be granted when it will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary and undue hardship. The term "undue hardship" has a specific legal definition in this context and essentially means that without the requested variance, the applicant will have no reasonable use of the subject property under existing development regulations. Personal medical reasons shall not be considered as grounds for establishing undue hardship sufficient to qualify an applicant for a variance. Economic reasons may be considered only in instances where a landowner cannot yield a reasonable use and/or reasonable return under the existing land development regulations. You have the right to consult a private attorney for assistance.

In order to authorize any variance from the terms of this chapter, the Board of Adjustment shall find all of the following factors to exist:

(1) That special conditions and circumstances exist which are not applicable to other lands, structures or buildings in the applicable zoning classification:

The existing building does not meet the 25 feet front setback according to Brevard County Staff.

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

The applicant is proposing to renovate the interior of the existing building. No work is to be done to increase nor add square footage to the existing building.

(3) That granting the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this chapter to other lands, buildings or structures in the identical zoning classification:

This is an unique situation where the existing building does not meet the front 25 feet setback.

Brevard County staff advised the applicant to go through a variance to clear up the issue.

(over)

(4) That literal enforcement of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the identical zoning classification under the provisions of this chapter and will constitute unnecessary and undue hardship on the applicant:

The applicant is seeking a building front setback variance to an existing building. Without the variance the applicant would not be able to renovate the interior of the building and move forward with the necessary improvements.

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

This is an existing hardship and it is not a result from the applicant. The request is to allow the applicant to renovate the interior of the building and add parking to the site for clients and employees.

(6) That the granting of the variance will be in harmony with the general intent and purpose of this chapter and that such use variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

The variance will not adversely impact the surrounding developments. The variance is to bring an existing building up to code.

I understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by the below-signed zoning representative. I am fully aware that it is my responsibility to prove complete compliance with the aforementioned criteria.

Signature of applicant

[Signature] 6/1/22

Signature of planner

[Signature]