

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.

Prior to acquiring the property, the now owner submitted a letter to the County explaining the intended redevelopment and unit size for each multi-family unit. A copy of the letter to the County is attached as Exhibit "A". The County responded to the letter and did not raise any issues with the proposed unit sizes. In reliance upon the County's letter, the now owner acquired the property. A copy of the County's letter is attached as Exhibit "B". The property is currently zoned at TU-2, which does not permit multi-family uses. However, the Live local Act would allow the property and the existing building to be developed for multi-family use. Under Chapter 2023-17, Laws of Florida, "Live Local Act", multi-family designation is given to any commercial or industrial zoning district at the highest density allowed within that municipality provided that there is a 30-year restriction placed on the property to which 40% of the units are developed as affordable or workforce housing.

In Brevard County, the maximum density allowed is 30 units per acre.

The existing hotel sits on 8.5 acres and contains 245 existing bays built of concrete block. In order to achieve the density provided for by Live Local, the existing bays are to be converted studio apartments.

This is a unique condition in that there are no development guidelines for multi-family in the TU-2 zoning, but Florida Statute provides for the use and density. It is also unique in that the project is the adaptive reuse of an existing facility into a rent-restricted workforce housing community.

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

Prior to acquiring the property, the now owner submitted a letter to the County explaining the intended redevelopment and unit size for each multi-family unit. A copy of the letter to the County is attached as Exhibit "A". The County responded to the letter and did not raise any issues with the proposed unit sizes. A copy of the County's letter is attached as Exhibit "B". In reliance upon the County's letter, the now owner acquired the property. The existing structures were built in 1974 and the

applicant had no involvement in the construction or management of the hotel when it was operational as a hotel.

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:

There will be a 30-year restriction placed on the property that will limit the rental rates and resident income in accordance with Florida 2013-17. Because multifamily use is not permitted under TU-2 zoning, but rather through State Statute, no special privileges will be provided to other buildings within the TU-2 zoning district without those buildings adhering to the conditions set in State Code.

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 enforcement of a minimum square footage would prohibit the adaptive reuse of this property into workforce housing with the density allowed for in State Statute. There are no minimum unit size standards in TU-2 zoning. Affordable housing is a County issue and a hardship for many working in Brevard County. There is currently a shortage of over 22,000 affordable housing units in the Palm-Bay/Melbourne/Titusville MSA that is largely comprised of Brevard County. Within a 10-minute drive of this property, there are more than 65,000 daytime jobs but only 25,000 of those jobs are filled by people that live in that same area. That means that over 40,000 people are commuting into this area each day. Enforcing a minimum efficiency size limits affordability and places an undue hardship on the applicant and the citizens of the County and prevents a market-based solution to workforce housing.

The economics which allow the applicant to enter into a 30-year agreement with the County to provide affordable housing are predicated based on the reuse of the existing structure. Any requirements to alter or change the existing structure would render the project infeasible.

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

The variance granted is the minimum variance that will allow for the adaptive reuse of the existing units to achieve the density provided for by State Statute. It is also the minimum variance that will allow the use of the existing building and wall structure dating back to 1974.

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 granting of the variance will improve the public welfare by reducing traffic along this corridor. 1) Traffic studies suggest that affordable housing developments generate less traffic than transient hotel use with the exact same unit counts. 2) This redevelopment will provide opportunities for Brevard County citizens to live closer to their places of employment and 3) it creates a safer environment by eliminating the transient nature of a roadside motel

Additionally, the applicant's project puts no additional strain on public utilities (water/sewer), transportation, stormwater. The City of Melbourne Public Works & Utilities department has provided approval for the project, demonstrating a reduction in usage from hotel to affordable housing as an all-studio community. Traffic data substantiates less vehicle trips per day than the motel use, and redevelopment actually decreases the stormwater load by increasing greenspace.

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  Bruce A. Moia, P.E., 08-09-2024

Signature of planner 