



BOARD OF COUNTY COMMISSIONERS

Planning and Development

2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321) 633-2070 Phone

VARIANCE HARDSHIP WORKSHEET

Is the variance request due to a Code Enforcement action: ☐ Yes ☒ No

If yes, please indicate the case number and the name of the contractor:

Case Number: _____

Contractor: MJ COOP LLC/Coop Construction

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.

Applicant Response:

Special conditions and circumstances exist with this property that do not apply to other parcels within the same zoning classifications. The subject lot measures 145 feet in width by 300.65 feet in depth and was created in the 1960s (survey book 2 page 62), the adoption of zoning standards requiring a minimum lot width of 150 feet for residential development. In 1975 GU zoning went from 150ft to 300ft Min lot width and lot size increased from one acre to 5 acres. These unique circumstances distinguish the property from others in the same classification and justify consideration of a variance to allow reasonable residential use.

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

Applicant Response:

The Special conditions and circumstances affecting this property did not result from any actions of the applicant. the lot was split in the 1960s, long before the current ownership and before the adoption of the present-day zoning regulations that require a minimum lot width of 300 Feet and 5-acre size. The property measures 145 feet in width by 300.65 feet in length, and this configuration was established decades ago. The applicant did not create or alter the lot dimensions and is simply seeking reasonable use of the property as it currently exists. The hardship arises solely from historic lot division and subsequent changes to county development standards

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.

Applicant Response:

Granting this variance will not confer any special privilege to the applicant that is denied to other properties within the same zoning classifications. The request simply allows reasonable use of the property consistent with the intent of the zoning regulations and the character of surrounding residential development. Other Surrounding properties in the same zoning district have the same lot width and lot size already have constructed single family homes. approval of this variance would only allow the applicant the same reasonable use- the ability to build on single-family residence on an existing created lot- rather than providing any additional development rights and advantages beyond what is typical doe the area.

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.

Applicant Response:

Literal enforcement of the current zoning provisions would deprive the applicant of the right to construct a single-family residence- a use commonly enjoyed by other property owners with the same zoning area. Because of the lot measure 145 feet in width rather than the 1150 feet required when it was sub divided; strict application of the regulation would prevent any reasonable residential development on the property. This restriction would constitute an unnecessary and undue hardship on the applicant, as it would render the property unusable for it intended and customary residential purpose. Granting the requested variance would simply allow the same reasonable use afforded to neighboring parcel in the same zoning district.

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

Applicant Response:

The Variance requested is the Minimum variance required. Granting this minimal variance will permit the applicant to construct a single-family residence consistent with surrounding properties and the intent of the zoning regulations. Without this small adjustment, the property could not be developed for its intended residential purpose, resulting in an unnecessary hardship.

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

Applicant Response:

Granting this variance will be in harmony with the general intent and purpose of other zoning regulations and will not be injurious to the surrounding area and detrimental to the public welfare. Other parcels are developed with the same lot size. Approval of this variance will not alter the essential character of the neighborhood, impart property values, or interfere with public services. It will simply allow reasonable residential use of a legally created lot that predates current zoning requirements, maintaining compatibility with the intent of the comprehensive plan and the surrounding community.

I fully 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 a Planning and Development representative. I am fully aware it is my responsibility to prove complete compliance with the aforementioned criteria.



Signature of Applicant



Signature of Planner