



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: Timothy R. Sapp/ Braunyuar Builders

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 that are specific to the subject property due to the location and configuration of existing, legally established improvements. A portion of the residence and a substantial portion of the existing swimming pool are located within the required building setback, which significantly restricts the remaining buildable area available for expansion. While other properties within the zoning district may also contain approved variances, the particular placement of improvements on this lot creates site-specific constraints that are not uniformly applicable to all properties within the same zoning classification. The requested variance arises from the existing site layout rather than a general condition of the zoning district.

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

Applicant Response:

The special conditions and circumstances do not result from the actions of the applicant. The existing residence and swimming pool were legally established improvements whose location and configuration pre-date the proposed expansion and create the current site constraints. The applicant did not create these conditions, and the request for a variance is necessitated by the pre-existing placement of improvements on the lot rather than any action taken by the applicant. The special conditions and circumstance existed prior to the applicant's ownership of the property and are a result of previously approved development, not actions taken by the applicant.

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 the requested variance will not confer any special privilege on the applicant that is denied to other lands, buildings, or structures within the same zoning classification. The variance would allow reasonable use of the property consistent with existing residential development patterns in the neighbor and would place the subject property in substantial conformity with similarly situated properties that have been developed under comparable conditions. Approval would not establish a precedent beyond similarly constrained properties within the zoning district.

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 zoning provisions would deprive the applicant of rights commonly enjoyed by other properties within the same zoning classification by reasonably limiting the use of an existing swimming pool and screen enclosure. Due to the placement of legally established improvements within the required setback, strict compliance would prevent reasonable expansion of the enclosure and impose an unnecessary and undue hardship related to the physical constraints of the property rather than the personal circumstances of the applicant. The hardship results from the unique configuration of the lot and existing improvements and not from any desire to intensify use beyond what is typical for the 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 requested variance represents the minimum relief necessary to allow reasonable use of the property. The proposed expansion is limited to the existing pool screen enclosure area and is designed to accommodate the constraints created by the placement of the existing residence and swimming pool. No additional encroachment beyond what is required to reasonable utilize the existing improvements is proposed. Alternative designs that would fully comply with the setback requirements are not feasible due to the existing site constraints.

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 the requested variance will be in harmony with the general intent and purpose of the zoning regulations by allowing reasonable use of an existing residential property while maintaining the established character of the neighbor. The proposed expansion of the pool screen enclosure will not increase density, intensity of use, or alter permitted uses, and will not adversely affect neighboring properties. Approval of the variance will not be injurious to the area involved nor detrimental to the public health, safety, or welfare. The improvement is consistent with similar residential development patterns within the surrounding areas.

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