



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: 25CE-00704

Contractor: n/a

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 exist because our property includes a pre-existing structure built in 1992 or 1993, long before current setback requirements were adopted. It was originally constructed as a barn with horse stalls, later used as a pole barn, and is listed in our closing documents as a covered carport. The structure has been in place for over 30 years and recently was adapted internally as an accessory dog house for our four personal dogs, without any change to its footprint. While most of the building sits 15 feet from the rear property line, one rear corner extends to about 11 feet, as shown on the survey. Unlike most properties in the zoning classification, we are dealing with a longstanding structure built under older conditions, making strict application of current setbacks an unnecessary hardship unique to our situation.



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

**Applicant Response:**

We did not build the structure or place it within the current setback limits. The accessory building has been part of the property for decades, through multiple owners, and has never previously been an issue. We made modest interior improvements to help shelter our dogs and enclosed a small area at the rear of the building to provide weather protection and better containment. However, the building's footprint and perimeter have not changed. Once we were informed that a variance and retroactive permitting were required, we immediately began this process, following the direction of county staff. The need for a variance is related to the structure's original placement and age, not any expansion or construction done by us. Please also note that power and water were also already in place as noted by the property's description and old pictures and videos.

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 would not provide a special privilege. Other nearby properties, ironically including the one neighbor who filed the complaint, have accessory buildings located close to rear property lines. We are not requesting new construction or expanded use — simply recognition of an existing, long-standing structure with a small corner encroachment. Denying the variance would effectively single us out for conditions that are already present on other surrounding properties, despite our effort to follow the proper process and maintain full transparency. This is a common and reasonable request for rural residential properties in our 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 would prevent us from using an existing structure for safe and appropriate shelter for our dogs — a use that actually helps reduce outdoor barking and maintain peaceful neighbor relations. Requiring removal, disuse, or reconstruction over a 4 foot shortage on one corner, which has existed for decades, would be unnecessary and overly burdensome. We believe that responsible animal care, including providing safe, secure, and appropriate shelter, reflects the values of Brevard County and the example set by Sheriff Wayne Ivey, who has long been a loyal advocate for animal welfare. Our dogs are loving, well-cared-for family pets. They are hounds — a friendly and sociable breed known for their loyalty and gentle nature. They are not a good fit for indoor living with our cats, so separate but appropriate shelter is essential for everyone's safety and well-being. Forcing them to live outdoors with no proper protection would be inhumane, and removing the existing structure would not resolve the concerns of the complaining neighbor; it would only worsen conditions for the animals. Our goal is to resolve this situation constructively, in a way that benefits both our dogs and our neighbors.



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

Applicant Response:

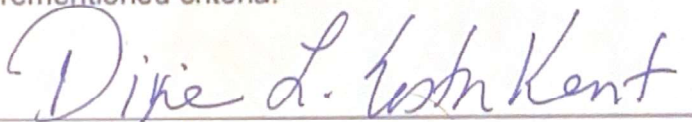
This request addresses a 4-foot rear setback variance at one corner of the structure, as documented on the survey. The remainder of the building meets or exceeds the required 15-foot setback. We are not asking to expand or change the building's size or location. The structure sits on a permanent concrete floor that has been in place for decades and cannot be moved. Additionally, the area between the accessory structure and our house contains our septic tank and drainage field, making any relocation physically and legally infeasible. This is the absolute minimum relief required to continue using the structure in a responsible, non-disruptive way.

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:

Our dogs typically bark only during the twice-a-day feeding and turnout periods, and even then, it only lasts for a couple of minutes at a time. Using the accessory structure to house them helps minimize noise, reduces outside exposure, and ensures their safety. It is not visible from the road and does not negatively affect neighboring properties. The structure has stood for decades without causing disruption, aligning with the spirit and purpose of the Code. This variance request is in harmony with the character of the neighborhood and not detrimental to the public welfare. Denying the use of the structure would not only increase barking by leaving the dogs exposed, but could also place us in violation of basic standards of humane animal care.

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

Jackson, Desiree

Digitally signed by Jackson,  
Desiree  
Date: 2025.07.22 10:44:11 -04'00'

Signature of Planner