



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: 25ZV00054

Contractor: Owner Builder

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:

The subject property consists of 0.57 acres, which is larger than the average residential parcel within this zoning district. The size, shape, and flat topography of the lot provide ample space for a larger accessory structure to be placed in full compliance with all required setbacks, without infringing upon neighboring properties or impacting community aesthetics. These physical attributes are unique to the property and not generally applicable to other parcels governed by the same zoning regulations.

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

Applicant Response:

The special conditions present on the property do not result from any action taken by the applicant. The lot was purchased in its current form, and the zoning code limitation tying accessory structure size to the home's square footage was not created or influenced by the applicant. The hardship arises solely due to the standardized application of this rule, which fails to consider the unusually large lot size and its capacity to accommodate an appropriately scaled accessory structure.

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:

The variance does not confer any special privilege but rather allows the applicant to make reasonable use of their property consistent with its size and character. Similar-sized accessory buildings are common on properties of comparable acreage, and the proposed structure would be consistent with the existing rural and residential development patterns in 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:

Strict enforcement of the code would create an unnecessary hardship by limiting the applicant's ability to construct a structure suitable for the storage of multiple vehicles, boats, and equipment. The current rule restricts accessory structures to approximately 50% of the primary dwelling's floor area, which in this case is inadequate given the size and intended use of the parcel. Denial of the variance would deprive the applicant of a reasonable and common use of land consistent with other similarly sized lots in the county.

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

Applicant Response:

2,208

The proposed building size of ~~2,240~~ sq ft is the minimum necessary to fulfill its intended use of safely storing vehicles and boats, which cannot reasonably be accommodated in a smaller structure. The building footprint has been designed to be as compact as possible while remaining functional for its intended storage use.

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:

The proposed accessory building will be located behind the primary residence and thoughtfully designed to complement the home in both appearance and materials. It will fully comply with all applicable setback and height requirements.

The structure will not generate additional traffic, noise, or other nuisances. This property benefits from well-maintained drainage ditches on both sides, which provide excellent runoff and stormwater management. In the 15 years I have owned and occupied the property, it has never experienced flooding. The addition of this accessory building will not negatively impact adjacent properties, as the existing drainage system will continue to effectively manage water flow.

Furthermore, the proposed structure will not adversely affect surrounding property values or public safety. It will be fully compatible with the neighborhood's established residential and recreational character.

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.

Dewey DeFoe

Signature of Applicant


Signature of Planner