



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: \_\_\_\_\_

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:

BLACK MANGROVE RESTRICTIONS - Black Mangroves have grown along the Canal located at the back of the lot (West). Thus, the Mangrove Mitigation restrictions limit using the full length of the lot. When installing a Concrete Seawall these restrictions shortened the usable lot length by 6 (+) on both sides of the lot.

IRREGULAR LOT SHAPE (SOUTH SIDE) - The Lot Shape is NOT rectangular like the other lots platted in the community. The Lot Shape is irregular because the "South Lot Line" is approximately 9ft shorter than the "North Lot Line".

AGING PARENTS: The current home layout and size has been designed to house and care for aging parents. Thus, a 3.75 Foot variance to the "Southeast Corner - Front Setback" is needed to accomodate a larger home designed for four adults. The "Northeast Corner - Front Setback" does NOT need a variance to accomodate the home as planned.

GRAND OAK TREE - The 3.75 Foot variance will also enable us to save a 150 Year Old - Grand Oak Tree (45" Diameter) in the backyard. Saving this neighborhood feature will please our adjacent Neighbors (North), as well as our Neighbors across the canal, who all enjoy looking at this beautiful tree. The Architectural Review Committee for the Community has given the Owners/Applicant special approval to construct a home with a front-loaded garage to save the tree.

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

**Applicant Response:**

The Black Mangroves and resulting Mangrove Mitigation Restrictions did NOT result from an action taken by the Applicant/Owner.

The Irregular Lot Shape and the shortened "South Lot Line" did NOT result from an action taken by the Applicant/Owner.

The placement of the Grand Oak Tree did NOT result from an action taken by the Applicant/Owner.

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 (if granted) will NOT privilege the Applicant/Owner in any meaningful way. Saving the Oak Tree will benefit the Neighbors as they have conveyed.

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:**

The variance enables the Applicant/Owner to build and size a home that accomodates the housing and care of aging parents. Not granting the variance would prohibit the Owner/Applicant from building a suitable home for the care of aging parents.

Not granting the variance would deprive Neighbors of a 150 Year Old Oak Tree that they enjoy viewing.

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

Applicant Response:

Yes, this is the minimum variance needed.

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 home design and the use of a front-loaded garage has been reviewed and approved by the Association's Architectural Review Committee (ARC). The ARC is hopeful that the variance is approved so the Applicant/Owner has the opportunity to save the Grand Oak for everyone's viewing pleasure.

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.

Anthony & Beth Meggs

Signature of Applicant



Signature of Planner