



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: Totty 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:

The existing house and free standing garage structures were permitted and built prior to 1998. The main house has 3 setbacks with areas of encroachment. The previous owner obtained a variance for only one of these conditions. We are requesting a variance for the other two. The ability to maintain the structural integrity of the building requires us to utilize the exterior bearing walls as constructed. Carving out portions of the existing structure would be a significant financial and architectural burden.

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

Applicant Response:

Any non conforming conditions happened due to the action of the previous owner. We purchased this property in April of 2025.

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:

We believe our setback variance request does not materially advantage our proposed development over others in the same or similar zoning classifications. We are substantially under utilizing the .91 acres of available development. We are adding no additional SF of building structure. We only want to use the same footprint that has existed at this location for over 27 years.

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:

This property was purchased with the understanding that we could utilize the existing garages to create apartments. The previous owner showed us 2 existing studio apartments which we later found out was completed without a permit. It would be our intent to construct 3 new properly permitted and constructed apartments in the existing structure after obtaining the necessary variance and zoning changes.

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

Applicant Response:

We are asking only for consideration of the existing setback conditions associated with the previous owners construction projects.

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 intent is to utilize the existing structure and enhance with new siding, windows, painting, landscape, etc. This area has multiple zoning conditions with no real continuity. We intend to develop a first class product that the blended neighborhood will be happy to see.

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.

Steve Totty

Signature of Applicant

Signature of Planner