



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: NA

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:

The property is non conforming from the ordinance in 1964 when it was divided to two 1/2 acre properties, and again in 1979 when amended to the current required 2.5 acres. The house was approved in 2006 and built on property that is 105 feet width rather than the required 150 feet. However, now nothing can be done on the property without seeking this variance. A rezoning could be sought, however, the 1200 square foot storage building would not be allowed under residential zoning codes. Two 600 square foot buildings would be allowed, but would make a significant financial hardship. There are many properties in the neighborhood with outbuildings similar to the one requested. There are also six other properties zoned the same on the same side of the road that are anywhere from less than 1/2 acre to one acre.

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

Applicant Response:

The applicant did not create the special conditions and circumstances as the property was divided in 1964, the code was amended in 1979, the house was built in 2006 and he purchased the property in 2023.

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 variance will allow the applicant to build a 1200 sq. ft. storage building for his classic automobile collection and the rest of his personal property currently in storage in another state. There are like buildings all through the neighborhood under the identical zoning classification. Without the variance, the storage building will not be allowed. The building will be placed on the property with minimal visualization from offsite of the property.

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:

Without the variance, the applicant will not be allowed to move his collection to his property, or to make any changes to the existing property. There are like storage buildings in the identical zoning classification, and six other properties under the required acreage and lot dimensions. If he had to seek to rezone instead, he would not be allowed to build the 1200 sq.ft. structure, only two 600 sq.ft. buildings. This would extend the build time, and add significant cost, placing an unnecessary and almost impossible financial hardship on the applicant.

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 current code, amended in 1979, requires 2.5 acres for the AU agriculture residential designation. One acre was required in 1964 when the property was divided into two, one half acres. The variance requested is only to allow a storage building on the property behind the house barely visible from the road or other neighbors properties, and to accept the lot size and acreage that was approved when building the house in 2006.

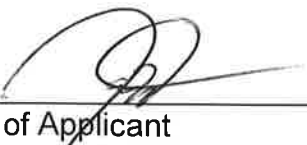
6. That the granting of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant Response:

The applicant has attached photos from the neighborhood showing like buildings and properties. This proposed building will be in harmony and conducive to the neighborhood, as six other properties are also on less than the required specifications with homes and similar out buildings.

The Future Land Use Element from the Comprehensive Plan puts this property in residential 4 designation permitting up to four (4) units per acre.

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