



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-00892

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 shed is Ms. Rivera & Mr. O'Connor's yard was built prior to them acquiring the residence in 2018. GIS maps show it existed prior to 2010. The cost to move the shed is in excess of \$10,000.00 per quotes my clients obtained.

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

Applicant Response:

The clients are requesting the fence variance due to unsightly shipping containers on neighbor's property. The fence was built prior to clients purchasing the property in 2018. The neighboring property contains shipping containers that are unsightly.

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:

Other applicants facing similar hardships would benefit from the same variance application process as my client.

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 cost of compliance is in excess of \$10,000.00. The shed was pre-existing to my clients purchase and they have maintained the structure since the property was purchased.

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 amount requested is minimal, only approximately 2ft from the north and east side of the shed. 6ft is allowable and our clients are only asking for 8ft on one side of the property.

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 only property impacted by our clients requests are themselves. There is two unsightly shipping containers view they are seeking to mitigate and the shed on the property is well maintained and has been there for at least 15 years.

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

George. Ritchie

Oct 02, 2025

Signature of Planner