



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:

The parcel in question is of a shallow depth and located on a cul de sac, with a very curved street and set-back line based on the street. It is not in a typical rectangular shape. For the Owner to build an accessory structure of sufficient size to store the owner's boat and trailer (with only one foot of clearance), the structure must slightly overlap the curve of the front set-back. To minimize the variance, the structure is designed as a series of three attached rectangles with each rectangle being smaller as the depth of the lot decreases in order to fit the front of the structure to the shape of the lot and set-back.

The variance near the South line of Lot 42 is to allow an open air, shaded, covered porch which covers an outdoor grilling area attached to the home on one side and giving access to the wooden deck on the other side which was in existence when the Applicant bought the home.

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

Applicant Response:

The shape of the area and the location of the set-back line is determined by the shape of the cul de sac and the depth and unusual shape of the parcel when it was platted. The shape and location of the open air covered porch on Lot 42 is due to the pre-existing location of the wooden deck.

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:

RU-1-11 allows the building of accessory buildings. On Newfound Harbor, accessory structures are also allowed in the area of the lot toward the lot line adjacent to the road. Other houses in the area also have covered, open-air porches.

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:

Other lots in the zoning classification are also able to use the width of their lots for construction up to the width of the side set-back lines, and to build accessory structures on the area of the lot facing the road. Without the variance, Applicant will not be able to store his boat or trailer in such a way that it can be protected from the elements and potential theft. Similarly, the open air porch will allow Applicant to safely store and use his grill out of the elements.

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 Owner has designed his proposed accessory structure so that the portion of the curved set-back along the cul de sac is overlapped to the minimum extent possible to use the land for construction of a building with minimum depth still able to contain the Owner's boat and trailer. The variance for the open air, covered porch allows the porch to fit to the open Florida room part of the house on one side of the small structure and the wooden deck on the other side.

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.

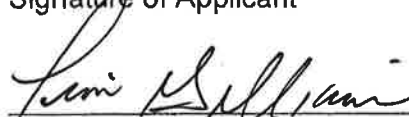
Applicant Response:

The granting of the variance will allow construction which will be compatible with the neighborhood, not injurious to the area and not detrimental to the public welfare. Many other properties in the area are improved with accessory structures of a size for uses similar to that requested by the Owner, and with small, attached open air porches.

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