



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: TBD

Contractor: Not applicable

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 GU zoning is inappropriate for this lot and others within the neighborhood due to both dimension and acreage requirements.

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

Applicant Response:

The zoning and the accessory building on the north side of the property were present when we purchased the property in 1999. The accessory on the south side of the property was purchased and installed by a local contractor in 2000 and the setback issue was not known to us.

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 neighborhood is rural in nature and we are very friendly with our neighbors. There have been no complaints or concerns in the 26 years we have lived there regarding the building locations. The zoning is unknown to all of us and it will impact some of them as it has us.

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:

We have already moved out of the house and this issue was discovered during the buyers' agent. Since there are other properties in the neighborhood with the same zoning and lot dimensions, it would cause a hardship to both the current owners and the buyers to not allow this variance.

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

Applicant Response:

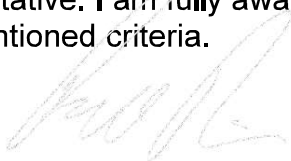
Granting a variance to the GU requirements for both lot size and setbacks for the sides is the minimum variance to allow continued residential use of the property. It is impossible to meet the lot size for GU and the buildings are attached to slabs that have been in position for at least 25 years.

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:

This variance will justify the past, current, and future use of the property within the neighborhood and for its future owners. This is a residential property in a rural area that allows the owners to raise children, have animals, and house various recreational equipment. Our neighbors all have similar structures and use their property in the same manner.

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

Jackson, Desiree

Digitally signed by Jackson, Desiree
Date: 2025.09.11 09:47:25 -04'00'

Signature of Planner