

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

☐ Yes. If Yes, indicate case number _____, and

name of contractor _____

☒ No.

Prerequisites to granting of variance:

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:

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(2) That the special conditions and circumstances do not result from the actions of the applicant:

SBB Attached

(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:

SBB Attached

(over)

(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:

SEE Attached

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

SEE Attached

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

SEE Attached

I 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 the below-signed zoning representative. I am fully aware that it is my responsibility to prove complete compliance with the aforementioned criteria.

X Signature of applicant

Signature of planner

- 1. That special conditions and circumstances exist which are not applicable to other lands, structures or buildings in the applicable zoning classification:**

Whole Foods operates on a larger scale than many other businesses in the vicinity, requiring appropriately sized signage for effective branding and visibility. The current signage limitations do not accommodate the operational needs of a grocery store of this magnitude.

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

The increase in signage is driven by customers' needs to easily locate our store, particularly in an area where multiple retail options exist. The local marketplace's layout and the number of competing businesses create an environment where improved visibility is necessary for success.

- 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:**

The variance will not only benefit Whole Foods but will also contribute to a safer environment for customers. Enhanced visibility means that individuals can navigate to the store more easily, particularly during low-light conditions.

- 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:**

The intention of zoning regulations is to ensure that businesses can effectively operate while maintaining a cohesive aesthetic within the community. Our request for increased signage is a standard practice among retail establishments seeking to enhance visibility as part of their operational needs.

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

Given our store's positioning away from Viera Blvd, the current signage limits our ability to attract customers. The requested increase in signage is the least amount necessary to enhance visibility while ensuring that customers can locate our store easily and safely.

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

Whole Foods is deeply committed to becoming an integral part of the community. Our presence not only supports local employment but also offers residents access to high-quality groceries and sustainable products. In this context, the variance will facilitate our ability to serve the community better while maintaining the overall aesthetic and harmonious environment of the area.