



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 property here at 1335 Anchor Lane sits along a canal in Brevard which has a Surface Water Protection Buffer. Because of this, and the location of the existing pool, and the set backs along the sides of property, we are unable to build a covered shade structure for our backyard without the need of a variance.

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

Applicant Response:

I do not believe any special conditions or circumstances are resulting from our actions. There are many structures in similar areas along the canals of Brevard County, and our Landscape Designer has helped a previous client in Merritt Island, on a canal, successfully receive a variance for a similar project.

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:

There are many structures in similar areas along the canals of Brevard County, and is a safe, hurricane rated structure that is designed and engineered and signed off by public engineer to ensure the public safety of the structure

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:

Due to the surface water protection buffer, and the size of the property, it would be very difficult to have a shade structure in our backyard without some how encroaching either on an easement or the surface water protection buffer.

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 variance request is the minimum requested distance to make the shade structure work properly 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 variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant Response:

We believe that this variance will be in harmony with the general good of the public welfare, and will be an improvement to the aesthetic of the property, and will help maintain or increase home values for neighboring home-owners.

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