

Is the variance request due to a Code Enforcement action:

If yes, please indicate the case number and the name of the contractor:

Yes

Planning and Development 2725 Judge Fran Jamieson Way Building A, Room 114 Viera, Florida 32940 (321) 633-2070 Phone

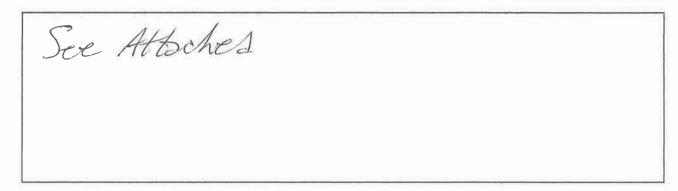
# **VARIANCE HARDSHIP WORKSHEET**

Case Number: 23CE - 0/280			
Contractor: OWNER			
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:			
<ol> <li>That special conditions and circumstances exist which are not applicable to other lands, structures, or buildings in the applicable zoning classification.</li> </ol>			
Applicant Response:			
See Attsched			

2.	That the special conditions and circumstances do not result from the actions of the applicant.
	Applicant Response:
	Sec 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.
	Applicant Response:
	See Attaches
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:
	See Attaches

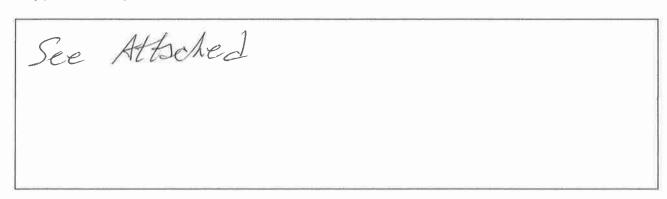
5.	That the variance granted is the minimum variance that will make possible the
	reasonable use of the land, building, or structure.

Applicant Response:



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:** 



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

#### **EXHIBIT A**

#### RESPONSE TO VARIANCE HARDSHIP WORKSHEE FOR JUSTIFICATION FOR APPLICATION

#### **APPLICANT REPONSE QUESTION 1.**

Special Conditions exist that are not the fault of the applicant. This home was constructed in 1967. The lots in this neighborhood are extremely side constrained. We placed a small shed (<100 sq ft-does not require a permit) on the southwest side of the house. This is the only reasonable location on this property without interfering in any way with the neighbors. As redevelopment occurs throughout this neighborhood there over 139 homes with like sheds on sides of their homes. There is no other location for any type of storage.

#### **APPLICANT REPONSE QUESTION 2.**

The actions of the applicant were completely in accordance with what could be reasonably expected of a homeowner. The house placement on this small lot in 1967 created lot constraints on both sides and are not a result of the actions of the applicant.

#### **APPLICANT REPONSE QUESTION 3**

No special privilege would be granted to the property owners as others have a shed or multiple sheds in these same setbacks, throughout our entire neighborhood.

### APPLICANT REPONSE QUESTION 4

Literal enforcement of the Code would deprive the owners of same rights that others in the neighborhood have been granted. This pool and waterfront community enjoys sheds which provide additional storage and the side locations are the only reasonable placement of these sheds.

# **APPLICANT REPONSE QUESTION 5**

This is the minimum variances needed to correct the Non-Conformance status of the property and to allow the homeowners to maintain the storage shed in its location. The small storage shed is located in the only reasonable location on the property without any interference to either neighbor.

## **APPLICANT REPONSE QUESTION 6**

The granting of this variance will allow the Homeowners to cure the nonconforming status of the Property and to compliment the regentrification of the neighborhood. These variances will not be detrimental to the public welfare as they will result in increased value to other properties.