



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:

Please see attachment.

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

Applicant Response:

Please see attachment.

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:

Please see attachment.

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:

Please see attachment.

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

Applicant Response:

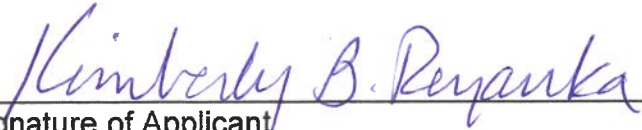
Please see attachment.

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:

Please see attachment.

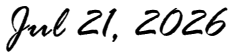
I fully understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by a Planning and Development representative. I am fully aware it is my responsibility to prove complete compliance with the aforementioned criteria.



Signature of Applicant



Signature of Planner



Variance Hardship Worksheet responses:

1. The two Properties are located at 3305 Frankie LN, Cocoa, Florida 32926. The exiting mobile home park is parcel ID 24-35-27-00-750.3 and the vacant parcel directly north is parcel ID 24-35-27-00-750.2; both have access by easement from Friday Road. The existing mobile home community was built in 1965 and is nonconforming to County Code. The current mobile home community is on 9 acres, which is less than the 10 acres now required by code. Combining the north parcel will bring total acreage to 14.6 acres. In doing so, the variances the Applicant seeks are to Sec. 62-1404.

The special circumstances justifying the requested variances are to allow expansion of the existing is the configuration of both lots, the existence of a 9-acre mobile home community, the easement access, and the need to expand affordable housing options for Brevard County residents.

The County Comprehensive Plan, Chapter V, Housing provides, as its one and only GOAL: "To produce and preserve affordable homeownership and multifamily housing to benefit very low, low and moderate income residents of Brevard County." Following that GOAL is Objective 1, "Brevard County should act within its authority to substantially increase the supply of affordable housing through implementation of programs that meet the needs of eligible households." The County Code recognizes the importance of Affordable Housing in County Code, Art. XVII. Affordable and Workforce Housing Incentives, Sec. 62-6300, "the purpose of this article is to provide for and maintain a variety of housing opportunities for present and future residents of the county."

Affordable Housing as contemplated by Chapter 2027-17, Laws of Florida, codified in F. S. 125.01055, is "one major goal at all levels of government to ensure that citizens have access to affordable housing. See Florida Senate Bill Analysis and Fiscal Impact Statement, February 24, 2023, CS/SB 102. Because of F. S. 125.01055(1) (2025), a county may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing.

2. The current mobile home community was built pursuant to 1965 requirements and was purchased by the Applicant in 2021; the Applicant did not create the two parcels or the easement. The vacant parcel also contains wetlands that cannot be mitigated and which place development challenges and constraints on that parcel. Utilization of the vacant parcel for expansion of the existing mobile home community is the best use of the vacant parcel and allows the existing mobile home community to be code compliant as to size.

3. The approval of this request will not grant any special privilege to the Applicant as this will allow for all other, and future, mobile home sites on the properties to be conforming. These variances will allow the Applicant to fully utilize its properties and to create additional recreational area for the existing mobile home community.
4. The literal enforcement of the Code would not allow any modifications or improvements to the existing mobile home community, or the expansion to the vacant lot as it is not large enough to be its own MHP. As to the variances requested for the expansion parcel, this will allow the new sites to be accessible to low income residents that need affordable housing.
5. The Applicant is seeking the minimum variances needed to correct the nonconforming status of the 1965 existing mobile home community, and to allow for additional affordable housing on the expansion parcel.
6. The granting of these variances will allow the Applicant to cure the nonconforming status of the existing mobile home community and to expand it. The addition of the north parcel, to be rezoned to TR-3, would bring the acreage requirement for mobile home community to Code and would allow for more affordable housing in the area. These variances will not be detrimental to the public welfare as they will allow development of a vacant parcel with environmental and accessibility challenges and will meet the County and State's goals of more affordable housing for its workforce.