



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: 25BC13275

Contractor: Self (Home 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:

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

Applicant Response:

I need a variance because I am extremely ~~poor~~ poor and cannot afford to have my mobile home moved six inches from the property line. The fence would be built on the north side of the property, where my home is 15 feet from the property line.

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

Applicant Response:

I need to protect my property from the massive amounts of junk and trash from my next door neighbor's property at 1540 Alpha Drive. Tropical storms and hurricanes will send much, if not most, of the junk onto other homeowners' properties.
See attached photos.

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:

My board on board fence would also block some of the noxious odors from 1540. Among the piles of furniture and appliances are discarded clothing and decaying food items. The property is a major eyesore, as well as as physically nauseating.

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:

My fence would also block some of the noise from the loud generator, which is powering a delapidated old RV that is parked on the front lawn. (There is an active Code Enforcement case against the RV). The fence would also block some of the loud music playing from cars that visitors park inches from the property line.

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

Applicant Response:

My fence would also block my view of some of the physical violence that I have witnessed. 1540 Alpha Drive is a well-known drug house, with dozens of transients visiting and/or residing. BCSO has responded to numerous calls. I have witnessed officers with guns drawn, as well as residents being handcuffed. I saw one (resident) beat another in the head, while blood was dripping down his face.

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:

My fence would be far more attractive than the major eyesore at 1540. I believe other neighbors would agree. The fence would, hopefully, reduce transients' trespassing onto my property. (At least 3 other neighbors have filed Code Enforcement claims).

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: 2025.07.22 15:29:00
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Signature of Planner