

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

☐ Yes. If Yes, indicate case number _____, and
name of contractor _____

☒ No.

*Same Conditions
Noted as was
Submitted for
22V00043*

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:

The SR 520/Merritt Island Cswy roadway is very unique within the County as it has been widened to a 6+ lane roadway throughout Merritt Island with a substantially wide right-of-way. The course of decades of right-of-way changes and development/redevelopment, has resulted in existing freestanding signage (monuments and pylons) along SR 520 that are very close to the right-of-way line, and non-conforming with the front setbacks currently required by code. In addition, SR 520 has a landscape buffer area between the right-of-way pavement and the sidewalk (over 35' wide) which effectively serves the same purpose intended by the front setback mandated by code. Given the fact that the Subject Property is immediately adjacent to the existing 35'+ buffer, the application of the required 15' front setback creates an unnecessary and undue hardship on the Subject Property by reducing the visibility of the proposed signs beyond what is contemplated by code. The intent of the code is met with the requested reduced setback given the existing large right-of-way and the existing landscape buffer within the right-of-way.

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

The existing configuration of the SR 520 right-of-way and landscape buffer immediately adjacent to the Subject Property predates the redevelopment proposed as part of this project and are not the result of actions by the property owner nor the developer of the 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:

Granting of the variance requested will allow the proposed project to be developed in conformity with the existing development of other lands, buildings, and structures in the surrounding area.

(over)

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(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 literal enforcement of the code would deprive the applicant of rights commonly enjoyed by other properties in the area and constitute unnecessary and undue hardship on the applicant.

Other properties in the area already enjoy the benefit of visibility to their signs along SR 520 and enforcing the setbacks in the code would put undue hardship on the property in question by

making its signs more difficult to see for drivers on the roadway and potential customers. Without the requested variance, existing signs on surrounding/adjacent commercial properties on the

SR 520 corridor would be 8+ feet closer to the road than the proposed development's signs, which would create an uneven and unequal effect.

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

The variance requested matches the existing pattern of development for the Merritt Island Cswy corridor and will create uniformity between the property in question and all other similarly situated

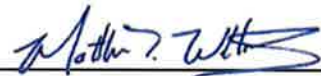
commercial properties along the corridor, making it the minimum variance that is warranted.

(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:

Granting of this variance will create harmony and uniformity, thus being the opposite of detrimental to the public welfare.

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.

Signature of applicant



Signature of planner

