



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: 23CE-00620

Contractor: Self

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:

When updating the existing 12'x5' dock that was there when I purchased my home in Dec 2019, I used the present Brevard County Property Appraisers tax sketch that showed my property is paying taxes for a 13'x17' square area off my 20' seawall and the adjacent seawall plus paying taxes on the 12'x5' dock within the square area.

I called Brevard County building permit department and was told Brevard County does not issue/govern my canal and that it was the state. I contacted the State of Florida EPA and was told I could renovate an existing dock if it was not larger than 500 total sq ft.. The square area my property is paying taxes on is approx 200 sq ft.. I preceded with renovating the dock.

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

**Applicant Response:**

Previous owner of my home/land constructed a 12'x5' wooden dock giving the indication when i purchased the home/land in Dec 2019 that I could renovate the existing dock. The dock was also shown on the Brevard County Tax record my home/land was paying each year for a minimum of 9 years.

The total renovated dock was at or under the maximum 200 sq ft. and a permit not needed based on State of Florida EPA. I moved forward with renovation under the assumption no permit needed.

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:**

The renovated dock extends out into the canal 5.5' off my seawall only on one side of property opposite the corner of the canal. My neighbors docks all extend up to 16' into the canal.

I am asking for a 1.5' Variance extension into canal from the Brevard County Property Line of 4' into canal. no passing boat traffic exists due to property being the end of the canal.

I am also asking for a zero setback and variance to the 7.5' code on opposite side of my property/seawall from corner of canal/lot.

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:**

Not allowing for both of these variances would deprive my property of equal access to the canal of a small dock no larger than 30 sq ft and pie shaped dock for fishing or sitting. There is NOT a boat lift or boathouse associated with the dock.

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 requested variance is 1.5' off wall at a pie shaped angle and zero setback on one side of property opposite the corner of the canal/my property

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.

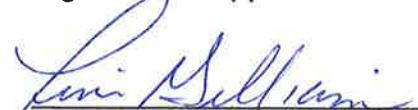
Applicant Response:

None of the requested variances would impede neighbors views or access for their properties. No boat traffic or access would be impeded.

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