



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: 25V00030

Contractor: JON H BOWMAN

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:

The subject property is uniquely situated along a major highway corridor and serves as a key gateway for cruise passengers requiring *directional* visibility from long distances. Unlike typical properties within the zoning classification, Park N Cruise serves transient customers unfamiliar with the area, necessitating increased visibility to safely and efficiently direct traffic to the site. The combination of high-speed traffic patterns, long-distance approach requirements, and the nature of the business as a parking and shuttle terminal for cruise passengers creates conditions not commonly shared by other nearby businesses.

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

Applicant Response:

The need for additional height and signage area stems from the property' s geographic location, use case, and roadway conditions—not any action or decision made by the applicant. The business must accommodate travelers approaching at high speeds from significant distances along the highway, making visibility critical. The dimensions and layout of the property, coupled with the surrounding land uses and traffic patterns, are pre-existing and outside of the applicant' s control.

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 request does not seek to grant a special privilege but rather to allow for a signage solution that provides equitable visibility and functionality given the property' s unique use and location. Other properties not adjacent to high-speed travel corridors or not serving transient or out-of-town clientele do not face the same limitations. Similar variances have been granted to other highway-adjacent properties with comparable conditions and visibility requirements, ensuring this request remains consistent with precedent and fair application of the code.

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:

Strict application of the signage limitations would significantly impair the property' s ability to safely and effectively direct customers, many of whom are first-time visitors. The inability to be seen from the necessary distance along the highway would place the business at a competitive disadvantage and create confusion or traffic safety issues for approaching vehicles. This deprives the applicant of reasonable and customary visibility benefits that other businesses with less restrictive visibility conditions enjoy.

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 reflects only what is necessary to achieve adequate visibility and legibility of the sign from the adjacent highway. The 150 sq.ft. sign area and 80 ft. height are based on engineering visibility studies and traffic approach speed to ensure the sign can serve its intended purpose without exceeding what is reasonably required. Lesser dimensions would not provide the necessary visibility, especially at highway speeds and distances.

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:

The proposed signage will be constructed to meet all structural and aesthetic standards and will serve to improve wayfinding and traffic flow, reducing confusion and potential safety hazards. The variance supports the intent of the sign code by promoting orderly, effective communication and enhancing business visibility without creating visual clutter or negatively impacting nearby properties. The proposed sign will be professionally designed to complement the area and maintain public safety and welfare

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: 2025.08.26 16:39:32
-04'00'

Signature of Planner

1. Special Conditions and Circumstances: Applicant Response: The subject property is uniquely situated along a major highway corridor and serves as a key gateway for cruise passengers requiring directional visibility from long distances. Unlike typical properties within the zoning classification, Park N Cruise serves transient customers unfamiliar with the area, necessitating increased visibility to safely and efficiently direct traffic to the site. The non-conforming billboard nearby further highlights the need for enhanced visibility for our property amidst the existing visual distractions along the highway.

2. Special Conditions Not Resulting from Applicant's Actions: Applicant Response: The need for additional height and signage area stems from the property's geographic location, use case, and roadway conditions—not any action or decision made by the applicant. The presence of the non-conforming billboard near our property underscores the challenges we face in ensuring our visibility amidst existing visual elements that are outside of our control.

3. Granting Variance Without Special Privilege: Applicant Response: The request does not seek to grant a special privilege but rather to allow for a signage solution that provides equitable visibility and functionality given the property's unique use and location. Considering the presence of the non-conforming billboard, our request aims to ensure that our signage is not overshadowed or detracted from by nearby structures that do not conform to current regulations.

4. Deprivation of Rights and Unnecessary Hardship: Applicant Response: Strict enforcement of the signage limitations in light of the nearby non-conforming billboard would further exacerbate the challenges we face in conveying essential directions to our customers. The coexistence of the non-conforming structure highlights the undue hardship that denying our variance request would impose, potentially limiting our ability to compete effectively and responsibly along the highway corridor.

5. Minimum Variance Necessary for Reasonable Use: Applicant Response: The requested variance represents the minimum necessary to distinguish our signage amidst the visual clutter along the highway that includes the non-conforming billboard. The dimensions sought are essential for ensuring our sign is adequately visible and distinguishable from other structures, thereby supporting the reasonable use of our property.

6. Harmony with Intent and Public Welfare: Applicant Response: The proposed signage will not only enhance wayfinding and traffic flow but will also help mitigate the visual discord created by the presence of the non-conforming billboard nearby. By ensuring our sign meets structural and aesthetic standards, we aim to contribute positively to the public

welfare and visual coherence of the area, in alignment with the general intent of the sign code.