



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: [X] Yes [ ] No

If yes, please indicate the case number and the name of the contractor:

Case Number: 23CE-01280

Contractor: 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:

See Attached

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

Applicant Response:

*See Attached*

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:

*See Attached*

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:

*See Attached*

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

Applicant Response:

See Attached

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:


See Attached

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.



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Signature of Applicant



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Signature of Planner

## EXHIBIT A

### RESPONSE TO VARIANCE HARDSHIP WORKSHEET FOR JUSTIFICATION FOR APPLICATION

#### APPLICANT RESPONSE QUESTION 1.

Special Conditions exist that are not the fault of the applicant. This home was constructed in 1967. The lots in this neighborhood are extremely side constrained. When the homeowner first purchased this house in 2004, a extra large shed already occupied the same footprint as the covered deck does today. This breezeway/covered deck on the northeast side of the house is the only reasonable location on this property without interfering in any way with the neighbors. As redevelopment occurs throughout this neighborhood variances have been granted for various same setbacks, specifically 23V00037, In addition a Vacate of Easement has been approved for this property.

#### APPLICANT RESPONSE QUESTION 2.

The footprint of the covered deck existed on the Property by a shed at the time of purchase – over 20 years ago. The actions of the applicant were completely in accordance with what could be reasonably expected of a homeowner. The house placement on this small lot in 1967 created lot constraints on both sides and are not a result of the actions of the applicant.

#### APPLICANT RESPONSE QUESTION 3

No special privilege would be granted to the property owners as others have covered decks in these same setbacks, throughout our entire neighborhood.

#### APPLICANT RESPONSE QUESTION 4

Literal enforcement of the Code would deprive the owners of same rights that others in the neighborhood have been granted. This pool and waterfront community enjoys covered deck space in their outside areas.

#### **APPLICANT REPOSENSE QUESTION 5**

**These are the minimum variances needed to correct the Non-Conformance status of the property and to allow the homeowners to maintain the covered deck area. The covered deck/breezeway is located in the only reasonable location without any interference to either neighbor.**

#### **APPLICANT REPOSENSE QUESTION 6**

**The granting of these variances will allow the Homeowners to cure the nonconforming status of the Property and to compliment the regentrification of the neighborhood. These variances will not be detrimental to the public welfare as they will result in increased value to other properties.**