



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: _____

Contractor: _____

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:

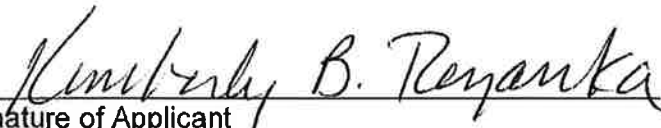
See Attached

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.


Signature of Applicant

Signature of Planner

Variations Requested:

A. Sec. 62-2109 (c): 2 ft. variance to 4 ft height restriction in the front setback of the Property for a fence, on Lots 18, 19, 20, and part of 21 (as reflected in blue on Exhibit "A".)

B. Sec. 62-1341(5)(a): 13.7 ft variance to the 20 ft front setback for structures to allow the existing freestanding garage to be deemed conforming, on Lot 19.

C. Sec. 62-1341 (5)(b): a variance to the requirement that accessory buildings must be located to the rear of the front building line of the principal building, on Lot 18 and 19.

Variance Factors:

1. The Property is a combination of four (4) lots in the 1926 Coquina Ridge Plat (Plat included with application.) Lot 18 was purchased in 1987, with the house already located on the Lot. The house was built in 1956. Part of Lot 19 was purchased in 1995. The remainder of Lot 19, all of Lot 20 and part of Lot 21 were purchased in 2007. The detached garage and shed were already located on Lot 19 at the time of purchase. The platted right-of-way is substandard at 40 feet with the asphalt width of an average of less than 20 feet, with no shoulders or sidewalks. The neighborhood is a combination of old and new homes, with redevelopment occurring mostly on the east side Coquina Ridge Dr. As the properties have redeveloped, variances have been granted, specifically Res 21PZ00022, granting various setback variances. While no variance could be found for 4429 Coquina Ridge Dr. (Berube property), its six (6) foot wall appears to be located on the property line.

Many of the houses along Coquina are utilized for rentals, short-term and long term. This has resulted in many transients and trespassers in the neighborhood. Because of the requirement of a twenty-foot setback for a six-foot wall, there is almost twenty feet of the Property owners' land that is being utilized for parking by transients, trespassers and service providers for neighbors. See Exhibit "B".

The special conditions of this land is the larger dimensions than the other properties in the subdivision, the long stretch of land along the straight-away of Coquina Ridge Drive, the heavily foliated area along the straight-away, the existence of the buildings on the Property prior to purchasing the various lots, and the need to protect the one-acre Property.

2. The garage and shed were on the Property at the time of purchase – Variance A, B and C. As to Variance A, the inability to build a tall fence to secure the garage and foliated area of the Property is due to the location of both – not any action of the Owners – and because the lot is a double-frontage lot as defined by Brevard County. If the river front of the Property was deemed the front of the Property, this proposed six-foot fence could be placed on the Property line. The parking on the Property by transients and trespassers is also not the result of actions of the Owners.
3. No special privilege would be granted to the Property Owners as others have walls and structures in the front and side setbacks exist, some with and some without variances.

Because this neighborhood was built in the 1940's and 1950's, before the zoning code, many houses and structures have required variances. These variances will allow the Owners to protect their Property and to make the Property more aesthetically pleasing, as others in the neighborhood have been allowed to do.

4. As to Variance B and C, literal enforcement of the Code would not allow any modifications or improvements to the home, garage or shed because of the non-conforming status of the Property. As to Variance A, the inability to have a six-foot fence to keep out trespassers and transients, and to secure the Property would deprive the Owners of similar rights that others in the neighborhood have been granted.
5. These are the minimum variances needed to correct the nonconforming status of the Property and to allow a six (6) foot fence to fully enclose the existing garage with the ability to walk between the fence and the garage with sufficient clearance.
6. The granting of these variances will allow the Owners to cure the nonconforming status of the Property and to compliment the regentrification of the neighborhood. They will also allow the Owners to fully enclose the Property with a tall enough fence to keep the Owners' Property and possessions safe from trespassers and transients. These variances will not be detrimental to the public welfare as they will result in increased value to other properties and assist with the illegal parking and trespassing in the neighborhood.