

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

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

No.

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 parcel has been impacted over time by public roadway
relocations, utility, drainage and zoning related determinations
over time that has reduced the usable acreage of the property.

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

The home owner bought the property relying on the good faith
of the property's zoning designation and recorded information presented
at the time of purchase and not create, initiate or contribute
to any non conforming or variance issues that now exist.

(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 the request variance will not confer any special privilege,
rather simply allow the subject property to develop in a manner
comparable to the other residential parcels ensuring
equitable treatment consistent with Brevard County Land
development code.

(over)

(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 hardship is inherent to the land and arises from physical and regulatory constraints that were established through prior governmental actions rather than any action from applicant. Denial of variance would render the property unable to reasonably develop as the homeowner intended for residential purpose.

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

The Homeowner is not seeking to intensify the permitted use or deviate from the intended residential zoning classification but rather to accommodate the reduction in usable acreage resulting from historic public actions.

(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:

Approval of the requested variance will not adversely impact public health, safety or welfare, nor will it alter the essential character of the area.

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