



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: Construct-It, Inc.

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:

This property is a large Riverfront home located on Merritt Island. Per FBC 62-2100.5, the lot size of 1.22 acres, which is equivalent to 53,143.20 SF would allow for 4 accessory structures to be constructed on this property. However, the owners feel as though reducing the number of accessory structures would be more beneficial to neighbors views as well as the property's water retention and drainage. These special lot conditions are contributing to the request to construct a singular two story accessory structure that exceeds the allowable SF.

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

Applicant Response:

The size of the lot is not a result of the applicant.

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:

We located a number of waterfront homes on Merritt Island with accessory structures anywhere from 75 SF - 2582 SF over what's allowed. Therefore the owner is not requesting privilege that has not been allowed by other Merritt Island property owners.

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:

As mentioned there are a number of current Riverfront homeowners that have been allowed and even great SF overage than what is being requested therefore by not granting the variance request there will be other properties owners with the *similar conditions* with privileges our home owner would be denied.

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 existing home is ~~2951~~ **2951** SF. The allowable SF for a single accessory structure would currently be ~~1575.5~~ **1575.5** SF.

The request is to add a single two-story structure totaling 2374 SF. The owners do not wish to clutter their property with multiple accessory structures. This proposed accessory structure would be phase 1, with phase 2 being the expansion of the existing home to 4609SF. Once all construction was completed the accessory structure would only be ~~380~~ **380** SF more than allowed. The reason for constructing the accessory structure first is so the owners can use it for storage while their home is being remodeled.

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 granting of the variance will not be injurious to the area as the immediate neighbors have been informed and have no objections to the two-story structure (see attached letters). Constructing a single accessory structure instead of multiple detached structures will allow for better water retention and management therefore improving public welfare.

The proposed structure does not contain any living area within the proposed garage

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