



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:

The property consists of 3 non-conforming lots (Lot 23, Lot 24, and Lot 25 of Block B) and the existing home was built in 1957, before current zoning regulations.

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

Applicant Response:

The home was constructed in 1957 before the current zoning regulations were enacted and before the applicant's ownership. The need for a variance arises due to changes in zoning requirements.

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:

Many properties in the area were developed prior to modern zoning regulations and have similar non-conforming setbacks. The variance acknowledges the existing conditions of a legally established home and allows the property to remain functional without requiring demolition or extensive alterations. This request is consistent with the intent of the zoning code and does not grant any undue advantage beyond recognizing a historical land use condition.

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:

Enforcement of the current zoning regulations would create an unnecessary and undue hardship by requiring demolition or major structural modifications to a legally existing home that predates the zoning code. Other properties in the same zoning classification enjoy the ability to maintain their existing structures without such drastic measures.

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 variance does not seek to expand or intensify the existing non-conformity and ensures the least possible deviation from current zoning while maintaining the integrity of the existing structure.

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.

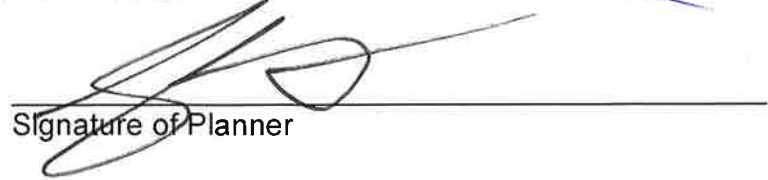
Applicant Response:

Granting this variance aligns with the intent and purpose of the zoning regulations by recognizing the historical development of the property while maintaining the character of the surrounding area.

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