

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:

See Attached

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

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:

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:

See Attached

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

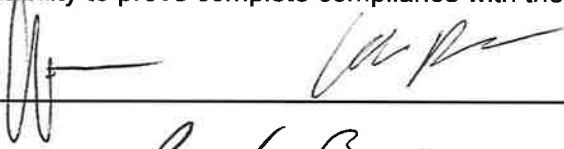
See Attached

(6) That the granting of the variance will be in harmony with the general intent and purpose of this chapter and that such use variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

See Attached

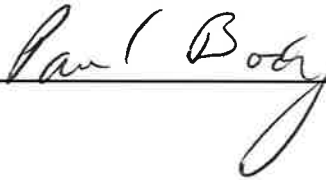
I understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by the below-signed zoning representative. I am fully aware that it is my responsibility to prove complete compliance with the aforementioned criteria.

Signature of applicant



Alexandra and Alexander
Barboza

Signature of planner



(1) This property has unique characteristics that make the proposed variance essential. The location of the 30'x70'x12' metal building is necessary due to the layout of the land and the specific functional needs of the property. The existing conditions do not allow for the structure to be placed elsewhere without significantly impacting the usability of the property or safety of structure usage.

This variance ensures the property can be utilized effectively while maintaining compliance with all other regulations. The proposed placement minimizes any potential impact on neighboring properties and aligns with the overall character of the area.

(2) The special conditions and circumstances necessitating this variance are entirely due to the preexisting condition of the property and are not a result of any actions taken by us. Specifically, during the property's prior use or development, large amounts of brush and trees were buried in two substantial areas in the backyard, rendering those areas unsuitable for construction.

Building behind the house would significantly restrict access to the proposed structure, as it would require navigating around these buried areas and could compromise both functionality and safety. We are simply working within the existing limitations of the property to ensure the structure can be placed in a practical and accessible location.

(3) Granting this variance will not confer any special privilege to us that is denied to other properties within the same zoning classification. The variance is requested solely to accommodate the unique conditions of our property, which are not present in other lands in the same zone. The proposed structure will adhere to the intent of the zoning regulations, and the variance does not create an unfair advantage over other property owners. Rather, it ensures that we can effectively utilize our land while maintaining compliance with all applicable codes and standards.

(4) Literal enforcement of the provisions of this chapter would deprive us of the rights commonly enjoyed by other properties in the identical zoning classification. Due to the unique conditions of our property, such as the buried brush and trees in the backyard, enforcing the current setback requirements would severely limit our ability to construct the proposed building in a functional and accessible location. This would impose an unnecessary and undue hardship, as it would force us to either build in an impractical location or forgo the intended use of the property entirely. The variance requested is a reasonable solution to accommodate the specific needs of our land without undermining the integrity of the zoning regulations or the rights of neighboring property owners.

(5) The variance requested is the minimum necessary to allow for the reasonable use of the building. Given the unique conditions of the property, particularly the buried brush and trees in the backyard, this variance ensures the structure can be placed in a functional and accessible location without compromising the usability of the land. The requested setback distances are the smallest adjustments needed to accommodate the building's purpose while still adhering to the general intent of the zoning regulations.

(6) Granting this variance will be in harmony with the general intent and purpose of this chapter. The proposed building will serve the functional needs of our property without altering the character of the neighborhood or negatively impacting the surrounding area. The variance requested is a minor adjustment that will allow for efficient use of the land while maintaining the overall aesthetic and safety standards required by the zoning regulations. Furthermore, the building will not cause any harm to the public welfare or the surrounding properties, as it is designed to be compatible with the area and is located in a way that minimizes potential negative effects.

Dear Planning and Zoning Board Members,

Re: Variance Request for Property at 4405 Peppertree Street, Cocoa, FL 32926

I hope this letter finds you well. My husband and I recently purchased the property located at 4405 Peppertree Street, Cocoa, FL 32926. We are in the process of submitting a variance application to construct a 30'x70'x12' metal building on the northeast area of the property. We are requesting a variance to build in front of the primary residence.

The need for this variance arises from unique conditions on the property that prevent us from utilizing the backyard. Specifically, large amounts of brush and trees were buried in two areas of the backyard, which occupies a significant portion of the space. This makes the area unsuitable for construction and limits our ability to access the proposed building if placed behind the house. As a result, building the structure behind the house would be impractical and hinder the functional use of the property.

We are requesting this variance to ensure we can use the property in a manner that aligns with both our needs and the intent of the zoning regulations, while minimizing any negative impact on the surrounding area.

We believe this variance will not confer any special privilege upon us, nor will it cause harm to the neighborhood or public welfare. It is the minimum variance necessary to accommodate the building while adhering to the overall spirit of the zoning requirements.

We appreciate your time and consideration of this request. If you require any additional information or documentation to process our variance application, please do not hesitate to contact me at 321-477-3927 or via email at alexmboza@gmail.com

Thank you for your attention to this matter. We look forward to your response and hope for a positive outcome.

Sincerely,

Alexandra and Alexander Barboza