

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:

A pool was installed in the backyard, limiting where I can install a utility shed, given the current layout of my property. Because of this, I am unable to install a utility shed without a variance.

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

I do not believe any special conditions or circumstances are resulting from my actions. There are several other properties in the area with this same installation.

(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:

There are many structures in similar areas around Brevard County. This will be a safe, hurricane rated structure that is designed and engineered and signed off by a public engineer to ensure the public safety of the structure.

(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:

Due to the location of the pool that was built by the original owners, and the size of the property,
it would be very difficult to have a shed structure in my backyard without some how encroaching
on the pool deck.

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

The variance request is the minimum requested distance to make the utility shed structure
work properly and safely.

(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:

We believe that this variance will be in harmony with the general good of the public
welfare, and will be an improvement to the aesthetic of the property, and will help
maintain or increase home values for neighboring home-owners.

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

