

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 county issued a Business Tax Receipt for the subject site for the Business period of October 1, 2024 through September 30, 2025. The Business Tax Receipt included "General Retail Sales". After the fact, on July 25, 2025, Brevard County Planning & Development Department issued a letter to the owner that stating that "Commercial retail uses are not permitted in the RP zoning Classification. As a result, the owner is pursuing rezoning the parcel from RP to BU-1-A.

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

The county issued a Business Tax Receipt for the subject site for the Business period of October 1, 2024 through September 30, 2025. The Business Tax Receipt included "General Retail Sales". After the fact, on July 25, 2025, Brevard County Planning & Development Department issued a letter to the owner that stating "Commercial retail uses are not permitted in the RP zoning Classification. As a result of the said letter, the owner is pursuing rezoning the parcel from RP to BU-1-A.

(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:

The variance request is for relief of a required side setback for an existing structure. The applicant is not seeking the variance to enlarge the structure within the required setback. Nor is the applicant seeking a proposed use not permitted in the requested zoning district.

(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:

Based on Brevard County issuing the Business Tax Receipt allowing for "General Retail Sales", the owner moved forward making financial expenditures with the intent to operate a business at the subject site. Denying the owner the right to utilize the property after making the financial expenditures would constitute unnecessary and undue hardship on the owner.

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

The structure onsite is existing. The variance is the minimum required to allow the existing structure to meet the required side setback under the proposed BU-1-A zoning classification. No additional building improvements are proposed that do not comply with the required zoning setbacks.

(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:

The subject site fronts on a busy four lane highway where general retail use would be expected. The granting of a variance to a required side setback would not be detrimental to the public welfare.

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.

	Digitally signed by Clayton A Bennett
Signature of applicant	Date: 2025.08.27 15:36:17 -04'00'
	Jackson,
Signature of planner	Desiree
	Digitally signed by Jackson, Desiree
	Date: 2025.10.01 15:07:55 -04'00'