



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 is unique in that it has a narrow frontage on SR 520 for such a large parcel. The property was developed in 1973 as a hotel. The owners are willing to sell it to the applicant, however, the applicant proposes to re-develop it into multi-family apartments. To do this, the property had to be rezoned. The property was approved by the BOCC to be rezoned to RU-2-13 from BU-1/BU-2. However, during the rezoning process, it was not noticed that this created the non-conformity in regards to "lot width". This is because the frontage is only a driveway for the first 193', before it increases in width to over 700'.

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

Applicant Response:

The circumstance was only created by the rezoning of the property to RU-2-30. The owner, nor the applicant had any knowledge that this non-conforming issue resulted from the rezoning process.

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:

No special privilege is being conferred. The property has frontage on SR 520, Burnwood Dr. and a County owned and maintained alleyway ROW. The total lot frontage is over 790 feet and the width of the lot body is over 700', so it is only the shape of the property along SR 520 that is non-conforming.

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:

Literal enforcement of the provision would deprive the applicant of the opportunity to re-develop this property from a blighted, old, and run-down hotel to a completely restored and renovated beautiful residential living area for the residents of Brevard County, not to mention a more attractive neighbor to the surrounding properties.

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

Applicant Response:

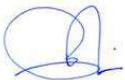
Yes, only the minimum variance of 10' is being requested.

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 of this variance will only improve the overall area, making it more in harmony and in general intent of the public welfare.

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.



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Signature of Applicant

Jackson, Desiree

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Desiree  
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Signature of Planner