



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 HAS ALWAYS BEEN A COMBINATION OF THE PARCEL A. (PROX .75 ACRES) WHICH IS A BUSINESS ZONED BU-4 AND PARCEL B (PROX 2.0 ACRES) ZONED RU-2-30. WE WANT TO KEEP THE EXISTING BOUNDARY LINES PER THE LEGAL DESCRIPTION AND MAKE NO CHANGES.

*THE RU-2-30 WILL BE REZONED TO RU-2-4.

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

Applicant Response:

THE PROPERTY HAS BEEN A BUSINESS OUT FRONT WITH 150 FEET OF FRONTAGE AND (3) RESIDENCES IN BACK WITH 50 FEET OF FRONTAGE, FOR 50 YEARS (PROX).

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:

WE BELIEVE THAT THE PROPERTY SHOULD BE GRANDFATHERED WITH THE EXISTING 50 FEET OF FRONTAGE, WHICH IS USED FOR A DRIVEWAY FROM COURTESY PARKWAY TO THE (3) RESIDENCES.

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:

THE PROPERTY WILL BE SURVEYED PER THE EXISTING LEGAL DESCRIPTION, LESS THE 40 FEET TAKEN AS A PUBLIC RIGHT OF WAY. THE BUILDING HAS REMAINED VACANT FOR AN ~~EXTENDED~~ EXTENDED PERIOD AND THE OWNER HAS A PURCHASE AGREEMENT TO IMPROVE

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 25.0 FEET IS THE EXACT AMOUNT
NEEDED.

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:

THE VARIANCE REQUESTED IS TO LEGALLY
BE ABLE TO HAVE AND HOLD THE PROPERTY
IN THE SAME MANNER AS THE PREVIOUS
50 YEARS, WITH A 50.0 FOOT FRONTAGE.

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

12/1/2021