



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 current location of the house at the NW corner is at 5 foot from the front setback and the SW corner is 5 foot from from the rear setback. The location that the Owner is requesting to be extended to the rear is currently at 12 foot from the rear setback. This being said the current location of the overall structure and pool are setback towards the rear and west on the property which the Owner has to work with in order to be able to attain his goal of adding a family room and incorporate the kitchen and pool area with the proposed location.

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

Applicant Response:

No, due to the above stated current conditions of the property - these were not the result from actions of the Owner.

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:

By granting the variance requested, there would be no special privilege that could be denied by provisions in the identical zoning classification.

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:

Based on the current location of the structure and pool area, the Owner is limited in terms of where he can extend the family room area so that he can incorporate the location of the pool with the proposed addition.

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 proposed request is the minimum variance that will make it possible for reasonable use of the proposed addition in order to incorporate the current location of structure and the pool.

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:

By granting this variance it be in harmony and not injurious to the area involved or detrimental to 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.

  
\_\_\_\_\_  
Signature of Applicant

  
\_\_\_\_\_  
Signature of Planner