



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:

Yes,

Variance 1: The existing house location, lot size, and lot configuration do not allow for the required rear setback of 20 feet to be met. Proposed house remodel is within the footprint of existing house. Furthermore, the proposed remodel improves currently non-conforming front lot setback and brings it up to the Brevard County Standards.

Variance 2: Existing garage is a standing structure and was built by previous owners. Proposed improvements do not change the existing garage footprint, therefore improvement in the side setback from 6.8 feet to 7.5 feet is not possible.

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

Applicant Response:

Yes.

Variance 1: The existing house location, lot size, and lot configuration do not allow for the required rear setback of 20 feet to be met. Proposed house remodel is within the footprint of existing house. Furthermore, the proposed remodel improves currently non-conforming front lot setback and brings it up to the Brevard County Standards.

Variance 2: Existing garage is a standing structure and was built by previous owners. Proposed improvements do not change the existing garage footprint, therefore improvement in the side setback from 6.8 feet to 7.5 feet is not possible.

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:

Yes.

Variance 1: Variance requested is not decreasing the existing setbacks. Overall proposed remodel improves front lot setback from existing 16.64 feet to proposed 22.34 feet and rear lot setback from existing 14.23 feet at the southwest corner of the house to proposed 14.52 and from existing 15.99 feet at the northwest corner of the house to the proposed 16.23 feet.

Variance 2: The structure is existing and footprint is not being changed. The applicant is not changing side setback for this existing structure.

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:

Yes.

Variance 1: Current house is old and in need of major remodel. The applicant made all reasonable efforts to remain within the existing house footprint and to improve conditions where possible. Due to the size and configuration of the property lot and the existing house footprint, the rear setback could not be met.

Variance 2: The 0.8 foot side setback shortage is for existing structure which the applicant does not intend to change other than cosmetic appearance and style to match the house.



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.

Variance 1: The applicant made all reasonable efforts to remain within the existing house footprint and to improve conditions, where possible. Due to the size and configuration of the property lot and the existing house footprint, the rear setback could not be met. Minimum rear setback variance, which is below current setbacks and improves current situation, is required.

Variance 2: The 0.8 foot side setback shortage is for existing structure and is the minimum required for the structure to remain and be used as it was purchased.

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:

Yes.

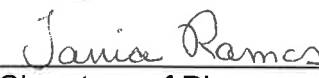
Variance 1: Proposed house remodel will not be injurious to the area involved or otherwise detrimental to the public welfare. The requested variance is for the improved house which will beautify the look of the property, will be energy efficient, and will add to the overall value of the similar properties on the street.

Variance 2: Requested variance will not be injurious to the area involved or otherwise detrimental to the public welfare. The 0.8 foot side setback shortage is for existing structure and is the minimum required for the structure to remain and be used as it was purchased.

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