



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. JB

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: JB

- 1. That special conditions and circumstances exist which are not applicable to other lands, structures, or buildings in the applicable zoning classification.

**Applicant Response:**

Our house is the last house on the street. There are only houses on the east side of Brentwood. There is a fire station/Boy Scout camp directly in front of us that borders US 1. US 1 is approximately 50 yards west of our property line. The traffic on US 1 is constant and visible. In addition, occasionally, pedestrians wander off US 1 and onto our property. We are hoping to deter trespassing, as well as reduce the traffic noise and visibility. There are other houses on the street which have 6-foot-tall fences and received a variance.



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

**Applicant Response:**

The conditions for this variance are not a result of actions by us. When we purchased the home in October of 2020, there was thick vegetation around the Boy Scout camp. This foliage was removed in early December 2020, completely opening up the view to US 1. And revealing paths to our house.

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:**

This variance request in no way impacts any buildings near our residence. It will not affect our neighbors, nor in any way affect the Boy Scout camp. In addition, we have checked with our two closest neighbors and they in favor of a six-foot fence for security and personal reasons.

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:**

Our house is the only one on the street that is completely visible from US 1. Even though we are 50 yards off the highway, the access to our front yard is easy and available to anyone walking along the highway. The fence would be set back on my property so the County could have access to any utilities and manholes.



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

**Applicant Response:**

We believe that a six-foot fence would enhance security and safety, as well as the comfort of our residence. A wooden fence, 6 feet high, would be secure enough that we would no longer be concerned about people coming from the highway and entering our yard. It is the minimum height for safety and quiet.

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:**

This variance will not impact the neighborhood or public welfare in any way. The fence will be a standard wooden fence without any advertisement or markings on the front other than our address. It will fit in with the decor of the rest of the street and provide the Boy Scout camp with some privacy from us. There are other approved 6 foot fences on the street.

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. ✓

James O. Born

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Signature of Applicant

*Janina Ramos*

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Signature of Planner