

## VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

☒ Yes. If Yes, indicate case number 22CT-00257, and

name of contractor \_\_\_\_\_

☐ No.

Prerequisites to granting of variance:

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:

\_\_\_\_\_  
The existing building (site) was constructed in 1978 per the Brevard County Tax Appraiser page.

\_\_\_\_\_  
Code Section 62-2105 relative to a breezeway requirement was codified in 1979.  
\_\_\_\_\_  
\_\_\_\_\_

(2) That the special conditions and circumstances do not result from the actions of the applicant:

\_\_\_\_\_  
Applicant purchased this property 5-14-20. The existing site was developed.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(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:

\_\_\_\_\_  
Tiki Hut is an open structure.

\_\_\_\_\_  
The recently constructed Tiki Hut is shielded by the existing building & existing fences. (behind both)

\_\_\_\_\_  
The Tiki Hut does not impact the existing breezeway open/covered condition due to the existing conditions.

\_\_\_\_\_  
Granting of the variance will allow the existing buildings & fences to remain. (existing condition)  
\_\_\_\_\_

(over)

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(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:

The existing building covers 70.8% of the lot width. Existing fences cover the remaining 29.2%. (100% covered)

Existing fences each side of the building are relied upon to secure the property.

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

The existing building covers 70.8% of the lot width. Existing fences covering the remaining 29.2%. (100%)

The recently constructed Tiki Hut is behind the existing building & fences. It does not further reduce open space.

This is an existing condition. Fences secure the property.

(6) That the granting of the variance will be in harmony with the general intent and purpose of this chapter and that such use variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

Granting of this variance will not be injurious to the area involved or detrimental to the public welfare.

I 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 the below-signed zoning representative. I am fully aware that it is my responsibility to prove complete compliance with the aforementioned criteria.

Signature of applicant 

Signature of planner 