



BOARD OF COUNTY COMMISSIONERS

Cox - Stone
4185 CAROLWOOD DR.
MELBOURNE, FL 32934
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:

we hired a contractor to build a 26'x40' metal building. Applied for the permit and followed all proper protocols to ensure the permit was approved. Upon last inspection for permit, it was found the building was built larger than the original size applied on the permit. The additional size put us 228 square feet over what is allowed for our property.

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

Applicant Response:

Correct. We paid a contractor to properly apply for permitting and build the 24x40 metal building. However, the concrete slab was formed & slab inspection was passed by the county before the concrete was poured. The contractor missed applying for the form board inspection which would alerted them of the size error.

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:

Uncertain on the meaning of this question and don't know how to answer it. I reached out to Paul Body to seek assistance & did not hear back in time to finish and submit before March 1st. deadline.

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:

We've paid more than 50% of the original billable amount of \$32,000 to the contractor. If variance is not approved, we will lose the \$18,000 already paid and will incur additional costs for attorney & court fees to recover this money.

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

Applicant Response:

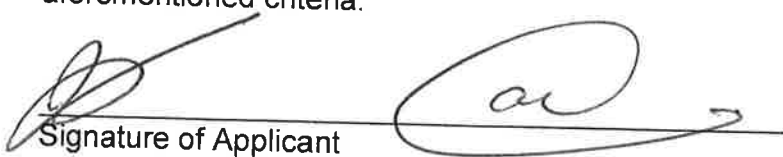
yes, granting this variance will allow us to use the building as it stands. the variance requested is the minimum needed to not require a complete tear down + rebuild to allow for the extra 228 sq/ft. over allowable for our property.

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, it would be more harmful to the surrounding area by tearing it down. Building is already built, not receiving the variance will require additional construction traffic to remove existing building, concrete pad + redo project to match permitted size. Contractor is unwilling to rebuild if he's required to take down.

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