



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:

Variance 1) 3 homeowners share a circular canal area. Other existing neighbor boat lift, muck levels, land erosion and required setbacks don't allow enough room to securely dock a boat without blocking eastern neighbor from launching and docking their boat.

Variance 2) For the same reasons above we request a side setback variance to move the dock as far from eastern neighbor as possible

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

Applicant Response:

Variance 1) Applicant purchased home in 2020 not knowing that the eastern neighbor needed space behind their property to launch and dock their boat on their elevator style lift. Effectively asking them not to put any dock behind the home to allow them to continue to use entire East Fork Canal.

Variance 2) For the same reasons, we request a side setback variance to move the dock as far from the eastern neighbor as 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:

Variance 1) Applicant would like to dock a boat behind their home like many who purchase property on the water. They also want to cause as little impact to the neighbors ability to launch and dock their boat, which an approved dock within all setbacks would do.

Variance 2) For the same reasons above, we request a side setback variance to move the dock as far from the eastern neighbor as possible.

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:

Variance 1) Literal enforcement would either block the neighbor from launching and docking their boat on their elevator style lift or not give the applicant enough room for their dock/boatlift.

Variance 2) for the same reasons above, we request a side setback variance to move the dock as far from the eastern neighbor as possible.

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

Applicant Response:

Variance 1) Yes, the applicant has scaled back to absolute safe minimum space needed for boat and is including in the variance any part of the boat that will go past the dock/lift.

Variance 2) Yes, this would even further move the dock into the smallest usable footprint, if also granted.

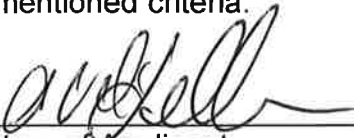
6. That the granting of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant Response:

Variance 1) Granting this request will improve the harmony in the waterway on the East Fork Canal by allowing all owners to enjoy the maximum space available. Not granting this request and allowing the applicant to pursue options that fits within setbacks would harm the harmony, now and in the future if other homeowners.

Variance 2) Granting this request would further improve the harmony by allowing the dock to move as far over as the waterway and property allows.

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