



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: N/A

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:

The structure was built on the property in 1964. In that time it is possible that Brevard County setback requirements were different. Over the years the land has changed significantly potentially causing the encroachment.

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

Applicant Response:

The Cummins Family Revocable Trust received the property in 2015. The building was already on the property encroaching over the setback requirements when obtained.

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:

Granting the variance is not a special privilege to the owner, neighboring owners have built structures within the set back requirements.

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:

Literal enforcement would deprive the owner rights commonly enjoyed by other properties such as, enjoyment of having a building on the property, the right to use their property, and the right to use the building as it was built.

A denial would cause a hardship to the owner. Compliance would require the Owner to demolish the building or to cut several significant portions of the structure. Removal of the building would require additional funds, and time to re-engineer, replace structure beams to meet the original variance setback. The Owner will further have a loss of property value due to the removal of the structure. This structure has been in place for over 50 years and would have a major impact on the base structure of the building causing further hardship on the owner.

The building identified as 798 Clearlake Road, Cocoa, FL 32922 is encroaching approximately 23.1' on the North side, 20.12' on the South side, and 13.81' on the West side.

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

Applicant Response:

The minimum encroachment for Building 798 is 23.1 feet on the north-side, 13.81 feet on the west-side, and 20.12 feet on the south-side. This addition is reasonable for the area needed to maintain the building.

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:

The buildings have been in existence for over 50 years, during its life it has not caused any harm to the neighboring property owners or the public as a whole. There is no foreseeable harm or injury that could rise for the approval of a few inches into the setback requirement to the public welfare.

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