

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

Yes. If Yes, indicate case number _____, 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 parcel is located in close proximity to the Brevard County Government Center, Judicial Center, USAAA Facility and the Avenues, all of which are compatible with an extended stay hotel facility and therefore provide special conditions and circumstances.

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

The hotel site is a fully entitled development parcel within the Central Viera PUD and the applicant is proposing to develop the site with kitchenettes in order to meet market demands.

(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:

The property is within a PUD, where non-residential development is bound by the development criteria outlined in the BU-1 Zoning category. Other applicants with similar development scenarios are able to request the same variance.

(over)

(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:

Correct. There are other hotels in the same PUD Zoning category with 100% kitchenette units. Depriving the applicant of the variance would constitute an unnecessary and undue hardship on the applicant.

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

The branding of the hotel as a "Residence Inn" required 100% of the units to be kitchenette units. Anything less than 100% would not be allowed by the brand.

(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:

The area has several hotels, at least one of which provides kitchenettes in all rooms. The kitchenettes allow guests that come to Viera for USAAA or similar events to benefit from the facilities and will not have any adverse impacts to other residents or the general 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.

Hassan Kamal

Digitally signed by Hassan

Kamal

Date: 2024.10.30 13:19:42 -04'00'

Signature of applicant _____

Signature of planner _____