

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 land allocated for the amenities is predetermined due to Indian River Colony Club being fully developed. This has caused minimal space to be available for the renovations that the community desires. Pickle ball has risen in popularity in recent years and the population of IRCC is eager to be able to enjoy the sport while still having their tennis courts and shuffleboard available for use. Another constraining factor is that the amenity building requires a 15' crane access drive for air handler maintenance behind the building. Please note that the existing facilities currently encroach into the required setback along the southern property line and that the proposed facilities will not have any lighting that will negatively impact residents to the east. A landscape buffer will also be added to the eastern boundary of the proposed facilities.

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

The land allocated for the amenities is constrained by the original plat and design plans that were enacted prior to the current Indian River Colony Club's Board being brought into power. The current board is working in the best interest of IRCC's residents and is working with what they have available to meet the resident's desires.

(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:

Newer developments have the ability to modify their proposed layout to make space for the required recreational facilities. IRCC is constrained due to the existing buildings and lot lines within the PUD. The benefit is to the residents of IRCC to give them more opportunity to stay active within their community.

(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:

Literal enforcement would not provide enough available space to fit the desired recreational facilities in. Newer developments have the ability to modify their proposed layout to make space for the required recreational facilities.

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

The southern setback of 10' is the minimum allowable to fit the required recreational facilities in the available space while also keeping appropriate separation off of the drainage right of way to the north. Note that the current setback of the existing facilities off of the southern property line is 11.27'.

The eastern setback of 15' is the minimum allowable to fit the required recreational facilities in the available space along with the 15' wide crane access drive along the back of the amenity building for air handler maintenance.

(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 granting of the variance will be in harmony with the chapter as it is in place to ensure appropriate separation is given from the recreational facilities and surrounding roadways and parcels. Adequate separation is still proposed and the added facilities will be of direct benefit to surrounding parcels. The land in question is within a PUD and is set aside for recreational use. Lighting will not be added to the facilities to ensure no negative impact on the neighbors to the east. A landscape buffer will also be added along the eastern boundary to minimize the encroachment felt.

Granting of the variance will allow for improvements to be made that will benefit the public welfare within the community by enabling them to engage in an up and coming sport and boost the overall outdoor exercise had by the IRCC residents.

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

John K. Robinson

Signature of planner

Dania Ramos