

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

Yes. If Yes, indicate case number _____, and

name of contractor _____

X 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:

When Building the dock & lift structures for the applicant, we discovered concrete, asbestos & other debris in front of the ex. seawall. Because of the location of the debris, we didn't want to disturb this habitat area, & therefore had to set the pilings in front of this debris. Removing debris would also remove environmental habitat that

(2) That the special conditions and circumstances do not result from the actions of the applicant: Applicant states that previous owner, when the new had been established seawall was installed, contractor just dumped old seawall debris into the canal instead of removing & properly disposing of.

(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 dock & lift we installed extends 15.5' out from ex. seawall, or 18'3" out from property line. New structure extends out less than applicant's previous structure & is in line w/ neighboring structures. Structure does not impend navigation, owner also requests variance for aluminum cover over Boat slip.

(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:

By making applicant cut his dock structure back 2.3' (to the required 16') would make his structure smaller than most of the neighboring structures along this canal. Applicant's dock is only 15'5" out into the canal measured from seawall, which is less than the req. 16'.

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

Because applicant's new structure extends out less than the previous structure & is in line with the neighboring structures, we feel that as the dock is currently built, it is the most reasonable use of this structure & keeps the existing "critter" habitat in place for any organisms within this area.

(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:

This structure is in line w/ neighboring dock structures, does not impede navigation & maintains the existing environmental habitat that was left in place prior to installing structure. Again, it's still only 15'5" out from ex. seawall.

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

Raceo Shaw Hall

Signature of planner

Janina Ramos