

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 subject site fronts on a four lane divided highway (US-1). A subdivision wall was permitted and constructed along the roadway frontage under Section 62-2889 "Subdivision signs, walls and fences" which permits up to an 8-foot high wall of one uniform architectural design. Should the county apply Section 62-2109 "Fences, wall and other obstructions" to the proposed gate, then the gate would be limited to 4-feet in height within the front building setback.

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

The subject site fronts on a four lane divided highway (US-1), with an existing subdivision wall that was permitted and constructed along the roadway frontage under Section 62-2889 "Subdivision signs, walls and fences" which permits up to an 8-foot high wall of one uniform architectural design. The subdivision wall was existing when the owner purchased the property.

(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:

Section 62-2889 "Subdivision signs, walls and fences" allows for subdivision walls to be constructed up to 8-feet in height and shall be of one uniform architectural design. The proposed gate is essentially a movable section of wall that pivots on hinges to allow for a continuous wall.

(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:

Applying the wall/fence height limitations in Section 62-2109 "Fences, walls and other obstructions" to a gate to be placed on a subdivision wall permitted and constructed under Section 62-2889 "Subdivision signs, walls and fences", would deprive the owner of a barrier (wall) of an uniform height along the frontage of a major highway.

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

The proposed gate will be design to be no greater in height than the existing subdivision wall, and allow for the continuation of a single uniform architectural design of the subdivision wall as required under Section 62-2889 "Subdivision signs, walls and fences."

(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 proposed gate will be design to be no greater in height than the existing subdivision wall, and allow for the continuation of a single uniform architectural design of the subdivision wall as required under Section 62-2889 "Subdivision signs, walls and fences."

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.

Digitally signed by Clayton A Bennett

Signature of applicant Date: 2025.08.27 14:00:33 -04'00'

Signature of planner 