

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:

Previous owners had the sea wall replaced. Due to water moccasins inside the exististing seawall at the time, the contractor did not want to tear it down and risk snake bite injury, so they built the new seawall around it, making it stick out further from the property line.

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

That the seawall sticks out further from the property line is not our doing, and it's affecting how far out the proposed boat dock must be from the property line.

(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:

(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:

Most other boat docks on our canal extend out 110 feet from the property line, if not further.

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

A smaller structure would not be suitable due to the size and configuration of our boat. It would not allow for safe mooring, boarding, or 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:

Our neighbors are fully in agreement with the proposed dimensions of the boat dock we are requesting to build and it will in no way restrict access of the water way.

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

Arthur

Signature of planner

Kristen Champion