

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:

This request is based on the variance of the county guidance. Due to the location of my home we are requesting a variance of approximately 5 feet from the rear side of my yard facing the cul de sac to be granted.

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

See Attached Page

(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:

This request will not have any implications or privileges as the county stated.

(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:

My family is contractually and financially compromised with Martin Pils and Paradise Grill. Paradise Grill is still requesting a delivery date. Based on the county denial, I'm not able to provide a delivery date which will cost me additional storage fees.

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

The proposed plan by Martin Pils with a diagonal corner requires a variance of approximately 5ft from the side/rear of my home restriction line to accommodate the pool and Resqular.

(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:

My family has been transparent regarding this project, we have engaged with all my immediate neighbors in good faith with county officials and in compliance with St. Johns River HCA. Therefore, attached are my immediate neighbors letters of support on this matter.

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

Vanny Hernandez

Signature of planner

Kristi Champion

In Conclusion: Below are the request for variance:

- That the screen enclosure is parallel to my house approximately 25 ft towards the rear/side of my yard.
- Then diagonally cut away from the cul de Sac to the rear of my yard, without compromising my neighbors and safety of the community.
- I thank you in advance for your assistance and consideration.

Owner

Kenny Hernandez