



BOARD OF COUNTY COMMISSIONERS

Planning and Development
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940
(321) 633-2070 Phone

VARIANCE HARDSHIP WORKSHEET

Is the variance request due to a Code Enforcement action: Yes No

If yes, please indicate the case number and the name of the contractor:

Case Number: _____

Contractor: _____

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.

Applicant Response:

The subject property at 1845 S. Tropical Trail, Merritt Island, FL abuts to the man-made 154' wide canal on the North and South side of the property. However, the boundary line for the subject property extends approximately 391.55' to the West, which is where the applicant is proposing to construct his 344 square foot (total) dock and boat lift. The applicant has designed the dock to be constructed solely inside of his boundary line and to the South of the navigable portion of the man-made canal; as to NOT create any type of navigational obstruction to the surrounding homeowners. In doing so, the proposed dock and boat lift would NOT extend at all into the navigable portion of the man made canal, and would still be offset approximately 179.5' from the boundary line of the nearest parcel to the West.

2. That the special conditions and circumstances do not result from the actions of the applicant.

Applicant Response:

The existing residential seawall and canal conditions have not been a result of the applicant. The property line and man-made/dredged canal has been in its current state when the applicant 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.

Applicant Response:

Granting this variance will bring the dock projection solely on the applicant's private property. The dock will not project at all into the navigable portion of the man-made/dredged canal to avoid any navigational obstructions for the surrounding homeowners. Moreover, there are currently numerous docks, boat houses and boat lifts along the man-made canal which are owned by the surrounding homeowners; which do in fact project into the navigable portion of the man-made canal on the same waterway. No special privileges will be conferred.

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.

Applicant Response:

Literal enforcement would deprive the applicant of the size and style of dock commonly enjoyed by other properties in identical zoning classifications and on the same canal.

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

Applicant Response:

A 22ft variance is the minimum required to have a dock of reasonable size and function. Additionally, the subject dock will be constructed entirely on the applicants private property and will not project into the navigable portion of the existing man-made canal.

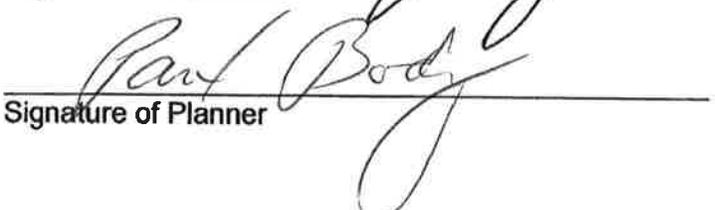
6. That the granting of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant Response:

Yes granting this variance is in harmony with the intent and purpose of the projection regulations. Boat traffic will not be impeded in anyway. With a 22ft variance, there will be approximatively 40ft of open waterway for boats to pass; which is considered the naviable portion of the man-made canal.

I fully 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 a Planning and Development representative. I am fully aware it is my responsibility to prove complete compliance with the aforementioned criteria.


Signature of Applicant


Signature of Planner