

## 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 River Moorings development was based around a community marina with centrally located boat slips, however canal side homes do not have a slip. Canal owners must build docks adjacent to their backyard and share canal access with Indian Bay. The development was not required to comply with the current 20% max width projection guidelines, typically using 1/2."
- (2) That the special conditions and circumstances do not result from the actions of the applicant:  
The current dock & boat lift were built by the original owners around 1996 and were already in place when we purchased in 2019. Nothing was noted on the survey, deed, title search or the HOA regarding any structures that were not in compliance with county zoning and properly permitted.
- (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:  
Granting the variance does not confer any special privilege, it merely allows us to install a roofed dock and boat lift that is consistent with neighbors along both sides of the canal to properly house and protect our recreational boat.

(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:

Paragraph provisions as currently written are significantly more restrictive than practices in place when the neighborhood was developed. Meeting current projection guidelines would prevent access by a power boat of moderate length, width and draft depth in the shallow canal & encroach upon mangroves.

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

The proposed site plan is the minimum viable option to maintain current use and actually reduces the deck area compared to the existing dock to help offset the needed roof area to protect our boat investment, and is consistent with the neighborhood.

(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:

Specifications of the site plan maintain the established canal center-line navigation lane and do not impose any further restrictions of safe navigation into and out of our neighborhood canal.

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 Russell Scott & Carol A Scott Russell Scott  
Carol Scott

Signature of planner Paul Body