

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

Yes. If Yes, indicate case number 21CE-01424, 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:

SEE attached document - Exhibit A

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

SEE attached document - Exhibit A

(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:

SEE attached document - Exhibit A

(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:

SEE attached document - Exhibit A

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

SEE attached document - Exhibit A

(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:

SEE attached document - Exhibit A

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

*Gloria White Paul White*

Signature of planner

*Paul Body*

## **Exhibit A**

### **RESPONSE TO VARIANCE HARDSHIP WORKSHEET FOR JUSTIFICATION OF APPLICATION**

#### **RESPONSE TO QUESTION 1:**

The primary reason the Variance is needed is to accommodate the motor of our boat which extends beyond the property line limit, when the boat is docked and lifted. The Variance is only for 2 feet to accommodate the motor.

Our dock was built at the end of 2018 with final inspection on February 25, 2019 and passed inspection. Our boat was present in the dock at the time of the final inspection and it is the same boat we have today. During this time frame, we did obtain Home Owners Association permission to build the dock.

Along with our dock builder, Campbell Surveying Company, we worked with numerous people at the county to make sure what we were submitting to get the permit to build the dock was in compliance with all applicable county building standards. Including submitting multiple configurations for the dock layout due to our limited water frontage.

Additionally, we went to the neighbors on both side of us letting them know, well in advance, our intent to build a dock. Both submitted in writing that they had no issue with building our dock.

#### **RESPONSE TO QUESTION 2:**

We are applying for the Variance to eliminate any possible mistake. And no one could reasonably expect that the outboard motor dimension needed to be considered. As explained in Response to Question 1, we feel we were in accordance with what was expected.

#### **RESPONSE TO QUESTION 3:**

Our home is in a long established neighborhood built in the mid 1980's approximately 90% of the homes are waterfront. The majority of those homes have docks. We live on the inner canal which has limited boat traffic due to a bridge with only 7 ft clearance with mean low water, thus limiting the size of boats that can navigate through the canal.

#### **RESPONSE TO QUESTION 4:**

This response is more fully answered in Question 1 and 2. In addition, several of our submissions for the permit were in fact with the dock being placed parallel to the land, which were not approved. One submission would have required us to apply for a variance for the structure itself due to the radius of the canal, limiting options except what was submitted and ultimately permitted.

The placement of our dock was the only way it would fit as noted in the above paragraph, due to the side setbacks, property line, and the existing mangroves.

**RESPONSE TO QUESTION 5:**

As explained in Question 4, the placement of our dock was based on what was permitted. Multiple configurations were considered. The only one that worked was the one that was permitted.

**RESPONSE TO QUESTION 6:**

Our variance request does not impede the navigable water way of the inner canal. The 2 neighbors directly across the canal from us, our next door to the south and our neighbor 2 doors south of us are in support to the granting of this Variance. As answered in Question 3, we are on an inner canal which has limited boat traffic. There is no apparent reason to assume that the granting of the Variance will affect the Public Welfare.