



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: _____

DC Marine Construction

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:

Newly built boat dock is set at 21 feet projection from property line, max projection allowed is 20 feet.

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

Applicant Response:

I contracted with DC Marine Construction to install a New Seawall and Boat Dock on my property. The max projection allowed from property line to end Dock is 20 feet. The Boat Dock DC Marine built has a projection of 21 feet. Therefore, I am requesting for a one foot variance.

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:

The boat dock projection is only one foot past maximum allowed. Several older docks along same canal are set at projections greater than 20 feet. This additional one foot variance I am requesting will not in any way impeded any boat traffic transvering the canal, nor will it impede any other resident of any use or enjoyment of the canal or their property. Likewise, approving the variance will not confer upon me any additional privilege that is otherwise denied per this chapter.

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:

Denial of this variance will deprive me of the use of my boat dock and to make improvements of my back yard, and also the freedom to sell my house if I so desire. In addition, it will most likley subject me to an expensive and long legal battle due to DC Marine's refusal to accept responsibility for the error, refusal to work with me on this issue and their cutting off of communication with me. DC Marine blames county officials for the error, refused to answer my questions, became hostile, threatened me with legal, and cut communications with me.

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

Applicant Response:

The dock is built and fixed in place. Therefore, the one foot variance is the minimum required to make possible the use of my land and my boat dock structure.

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:

Granting of the variance will be in harmony of the general intent and purpose of this chapter because doing so causes no harm to the environment, does not restrict or otherwise impeded use of the waterway and does not provide any privilege to myself that other homeowners along the same canal do not share as several older existing boat docks currently exceed the 20 feet maximum projection limit.

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