

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:

In 2017 Hurricane Irma destroyed my boathouse dock and portions of our seawall. My husband, Robert Kelly, needed to repair ASAP for safety reasons. He contracted to have the dock rebuilt. Please see photos. It was an unfortunate circumstance to have been damaged by the hurricane.

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

Robert Kelly was concerned about safety issues. We documented the hurricane damage for tax purposes (and got audited). I do not know what my husband was told concerning permits for hurricane repairs. In our household he was responsible for any major improvements/renovations to 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:

I do not anticipate any special privileges. I only want to replace my boat lift so I can use my boat and do it in a safe environment.

(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:

I don't anticipate deprivation. I want a safe boat dock and a working boat lift so I can, and my family, utilize my boat.

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

The dock is important for safety pertaining to the boat lift and fish cleaning station.

(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:

Please see my photos, my dock harmonizes with the other docks in my neighborhood/canal and has never hindered any boat from entering or exiting the waterway. (There are some large boats [30'] moored in my 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

Ritell Kuller 10/28/25

Signature of planner

Paul Bady