

## 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:

Special conditions exist due to discrepancy between the original boundary survey (used for permitting and dock construction) and the revised as-built survey. The original survey placed the property line at the waters edge further inland allowing the dock position. The as-built survey shows the line of different. The survey discrepancy is unique to this lot and not present on neighboring Properties

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

The contractor built the dock further into the canal than what was originally proposed. It was not known until the as-built survey was complete

(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:

The requested variance will not confer any special privilege. Neighboring properties in the same zoning classification have docks that project up to the 20% allowable limit. The variance simply allows the existing dock to remain in its as-built location without expansion

(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:

Literal enforcement would require removal of the dock, depriving the owner of reasonable canal access and boat docking rights that are commonly enjoyed by similar properties in RU-1-11 zoning. This would create unnecessary and undue hardship because the dock was constructed in good faith reliance based on original survey

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

The variance requested is the absolute minimum - only the 2ft overage shown on the as-built survey. No greater relief is requested

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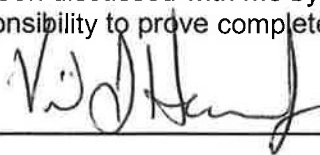
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(6) That the granting of the variance will be in harmony with the general intent and purpose of this chapter and that such use variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

Granting this variance is in harmony with the code and not detrimental to the public welfare. The dock is existing, small in scale, does not obstruct navigation or neighboring properties, and was built to serve the residential use of the property. There is no environmental or safety impact

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 \_\_\_\_\_



Signature of planner \_\_\_\_\_

Desiree Jackson