

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

Yes. If Yes, indicate case number 24CT-00319, and

name of contractor Owner Builder

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 height of our existing seawall is low compared to the new builds around us. Using the seawall height as the
Height of our dock would expose the structure to water throughout times of the year as the water level increases.
Our Seawall is in great shape so we did not want to incur the cost of a new seawall

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

Seawall height was determined by a previous homeowner. We did not have input into the height but if we
But if we build to that height it will expose the dock structure to water and premature dock failure

(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:

Our dock does not give us any advantage over adjacent neighbors since it is well within our boundary and
does not interfere. The only advantage given would be to allow our dock to be higher than our seawall

(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:

If we are not granted the variance I would have to lower the dock exposing the structure to water which would cause premature failure and make an unsafe condition. If we remove the dock it would deprive us the use of the waterway we so much enjoy.

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

I agree that this is a minimum variance request that is only asking permission keep the dock height 18" above the seawall allowing us to utilize the waterway.

(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:

All other parts of our permit application are within the zoning allowances. The physical height of our dock does not affect any adjacent properties nor present public welfare danger

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

