

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

☐ Yes. If Yes, indicate case number _____, and

name of contractor _____

☒ X 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 property is an existing infrastructure with very shallow water as it gets closer to the canal cul-de-sac which is north of my house. My dock if rebuilt with the required setback would interfere with my neighbors dock space which is pie-shaped and will not meet the 7.5 set-back because of how narrow it is. Other areas on the canal have various set backs depending on the size of the back yard. As you move around toward the end of the canal, where i'm located the lot sizes become very irregular due to property conditions and how the land is laid out, creating unique set backs due to the lot layouts, with regulations not uniformly applied.

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

I purchased this house because I loved the dock but when I had it appraised it contained more items needing replaced than repaired. I feared that severe weather conditions might become flying debris to my surrounding neighbors so I had it rebuilt. We kept the same footprint so as to not disturb the exiting seawall which contained asbestos.

(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: _____

Granting me the variance provides me the same exclusive right shared by the others sharing this canal. Some lots are bigger and some are too small to meet the set-back requirements but it allows me the opportunity to have a dock and access to intercoastal works, the same as other owners on the water.

(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:

Forcing the removal or substantial modification of the existing dock would deny me of reasonable use of my property for which I was designated and result in practical and economic hardship as well as disrupting the shoreline environment.

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

The minimum variance would be allowing me to keep the original footprint of the original dock. My neighbors all have docks with a roof and amenities that support a water vehicle. To remove the dock would result in a financial hardship and reduce the value of my home in addition to inequitable disparity among my canal neighbors, who also enjoy having a dock to house a recreational vehicle.

(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 the variance will align with the zoning ordinance's intent and will not harm anyone. The purpose of waterfront-residential zoning is to allow access to the water while protecting public and environmental interest. My dock maintains the character of the neighborhood and poses no harm to wetlands, navigation or neighbors. The relief would not adversely affect public welfare.

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

Jonnyer Hauer

Signature of planner

Paul Boddy