



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: 25CE-01983

Contractor: Darrell's Docks

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:

The property has an irregular lot shape that makes the location of the proposed structure very limited. Because of the irregular lot shape the riparian rights lines narrow in also limiting the location.

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

Applicant Response:

The limiting lot design and narrowing of the riparian rights lines were not caused by the applicant. In addition, there is extensive mangrove and vegetative growth at the property and the adjoining properties requiring mooring to be extended into the canal and not by side entrance. The waters are too shallow near 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.

Applicant Response:

The applicant is only requesting a distance of 4 additional feet of usage for the over-hang of the supporting I-beams when they are in the down position (not the vessel). The down position is when the boat lift is fully submerged and at the waterline. In the up position where the lift will be under normal conditions, the overhang will only require an additional 2 feet of distance. In relationship to other properties, it is apparent from aerial interpretation that there are structures in the waterway that appear to extend further than what this applicant is requesting. Thus, it is not creating anything more than what other individuals have. Also, the applicant is entitled to waterfront usage the same as the other owners along the waterway. This request does not provide the applicant with any privileges above the neighboring waterfront owners.

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:

The owner has opted to go with the minimalistic boatlift that is currently manufactured to minimize infringement into the waterbody. Should this boatlift not be approved it would add additional maintenance costs to the boat due to regular removal from the waterbody for consistent bottom cleaning. The use of a boatlift prevents hull fouling and motor degradation from seawater. Having to keep the boat in the water increases hull fouling and motor damage. Repetitive removal from the waterway is the only way to prevent this and creates additional costs that can be avoided by using a boatlift.

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

Applicant Response:

This is the minimum possible request to install a safe and stable boatlift that will provide the owner with equal usage as other properties.

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:

This request will be in alignment of water rights usage as others in the area. The variance will not interfere or harm anyone else's rights of usage. There will be no detriment to the public.

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.

*Charles L. TAPP*

Signature of Applicant

*Lynne H. Towner*

*4/17/20*

Jackson,  
Desiree

Digitally signed by  
Jackson, Desiree  
Date: 2026.05.05 11:35:32  
-04'00'

Signature of Planner