



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: _____

Contractor: Sunset Docks & Decks, Inc.

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:

Yes. The new dock was constructed 14' in front of the existing seawall at its furthest point (12' boat slip + 2' outer walkway.) 12' is the minimum width that we could go that would still allow the current owners to be able to utilize their equipment properly. The seawall, which was built prior to the current owners taking ownership of the property, should have been built on the property line. On the as-built survey, it's showing that the northwest corner of the dock is 17.1' from the property line. This is due to the existing seawall being 3.1' beyond the property line in that area. The existing seawall wasn't built on the property line as it should have been prior to the current homeowner's taking ownership of the property. In addition to that, there are several properties to the East and West that have docks that are built even further out than what was constructed for this project.

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

Applicant Response:

Yes. The existing seawall wasn't built on the property line as it should have been prior to the current homeowner's taking ownership of the property. This is a result from the prior owners actions and not the current owners.

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:

Yes. If the seawall was built correctly on the property line, the applicant's project would be well within the allowable measurement guidelines. Furthermore, there are several properties to the East and West that have docks that are built even further out than what was constructed for this project.

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:

Yes. The applicant would not be able to utilize their equipment properly if they had to construct the new dock with a smaller width for the boat slip. The equipment would not fit and they also would not be able to access the outer areas of the equipment if the walkway was removed.

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

Applicant Response:

Yes. We are asking for a variance of only 13 inches at the dock's furthest point. This is not 13 inches across the entire property line, it's only at the northwest corner of the newly constructed dock.

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.

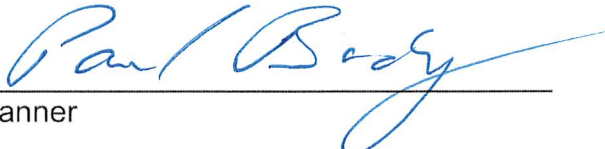
Applicant Response:

Yes. The small area in question that we're asking for will not in any way be detrimental to the public welfare. The 13 inches that we are asking for is almost unnoticeable to the eye when looking at the dock and does not effect the waterway in a negative way at all.

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.



Signature of Applicant



Signature of Planner