

Re: V24-00001 (variance request)
Section 169.009 (B)

Stefani Tennyson
1275 Scottish St SW
Palm Bay, FL 32908

(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same land use category, zoning district or situation.

(2) The special conditions and circumstances identified in paragraph (1) above are not the result of actions of the applicant.

(3) Literal interpretation and enforcement of the Land Development Code regulations would deprive the applicant of rights commonly enjoyed by other properties in the same land use category, zoning district or situation, and would result in unnecessary and undue hardship on the applicant.

* (4) The variance, if granted, is the minimum variance necessary to make possible the reasonable use of the land, building or structure.

(5) Granting of the variance request will not confer on the applicant any special privilege that is denied by the development code to other lands, buildings or structures in the same land use category, zoning district or situation.

* (6) The granting of the variance will be in harmony with the general intent and purpose of this code, and will not be injurious to the surrounding properties or detrimental to the public welfare.

(7) The variance represents a reasonable disposition of a claim brought under the Bert J. Harris Private Property Rights Protection Act, chapter 95-181, Laws of Florida, that a development order of the city has unreasonably burdened the applicant's property, based upon the recommendations of the special master appointed in accordance with the act, or the order of a court as described in the act.

Hardship reasoning:

- 1) City inspector made error on approving pre-pour inspection for location of shed slab.
- 2) No adequate room to accommodate playset due to anaerobic septic leechfield in backyard area causing limited space.

Variance request is for an existing slab to encroach 5 feet into the 10-foot rear setback and 1.5 feet into the side SE setback easement.