



## SEAGATE MANOR CONDOMINIUM ASSOCIATION, INC.

### JUSTIFICATION STATEMENT

2.4.11(A)(5)

**Findings.** The following findings must be made prior to approval of a variance:

- (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning. Economic hardship shall not constitute a basis for the granting of a variance. Seagate Manor Condominium is a 55+ building constructed in 1969 in the RM zoning district on the East side of the intracoastal waterway. The RM setback requirements are 25' front, 25' side street, 25' rear and 15' side street interior. The property was constructed and developed prior to the current lot and setback requirements referenced in the LDR development standards matrix of residential zoning districts in Chapter 4.3.4 (k), and the lot configuration makes it difficult to comply with setback regulations due to being on a peninsula.
- (b) That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning. The rear setback of 25 feet stated in the LDR 4.3.4 (K) table would not allow us to install the cabana in a location where several other properties across the intercoastal also have cabanas or tiki huts in similar locations.
- (c) That the special conditions and circumstances have not resulted from actions of the applicant. The building was erected in 1969 with limited space in the pool deck area prior to the current lot and setback requirements referenced in the LDR development standards matrix of residential zoning districts in Chapter 4.3.4 (k).
- (d) That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance.

Granting the variance will not confer any special privilege that is denied to other lands, structures, and buildings under the same zoning as there are several other properties across the intercoastal that also have cabanas or tiki huts with minimal setback on their properties and would enable our 55+ community to enjoy the same rights currently enjoyed by other neighbors on the intracoastal. The cabana would be installed on the wood deck area to avoid reducing the existing landscape due to the existing lot already having limited green space.

- (e) That the reasons established in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. The request for the reduction of the setback is predicated on the 25ft setback that is being required. The granting of this variance will allow for a 12x16 aluminum cabana with a light blue removable fabric to be installed on the wood deck portion of our pool deck.
  
- (f) That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, and will not be injurious to the neighborhood, or be otherwise detrimental to public welfare. Seagate Manor Condominium is on a peninsula and adding a 12x16 aluminum cabana with removable fabric will not be injurious to the neighborhood or detrimental to the public welfare. The fabric is removed prior to inclement weather of tropical storm winds of 39-73 mph.