

**VARIANCE APPLICATION**

**APPLICATION INFORMATION PACKET**



**City of Flagler Beach  
P.O. BOX 70 105 S. 2<sup>ND</sup> STREET  
FLAGLER BEACH, FL 32136  
Phone (386) 517-2000 Fax (386) 517-2016**

# Request for Variance

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## OUTLINE OF REQUIREMENTS

In order to simplify the variance procedure we have compiled an outline of the requirements and approximate time frame involved in a variance request below:

### **1. PETITIONER SHALL SUBMIT A COMPLETE APPLICATION PACKAGE THAT INCLUDES:**

- A. Complete petition application
  - B. File Fee of \$200.00 & additional fees (The applicant is responsible for all additional fees associated with certified mail and newspaper advertising.)
  - C. Current survey of subject property
  - D. Justification statement addressing the six (6) individual criteria required for variance (see Attachment A, Variance Standards)
  - E. Additional back-up material as submitted or requested (e.g. wetlands survey)
- APPLICATION FEE: \$200.00 (Non-refundable)  
ASSOCIATED FEES: ESTIMATED (Non-refundable)

### **2. UPON RECEIPT OF A COMPLETED APPLICATION STAFF WILL PROCESS THE PETITION IN THE FOLLOWING MANNER:**

#### STAFF REPORT AND RECOMMENDATION

- 1. A packet is compiled consisting of the meeting agenda, previous meeting minutes, the Staff's report and recommendation based on the satisfaction of the six criteria for a variance and supporting documents.
- 2. The Packet is delivered to the Board Members a minimum of three (3) days before the meeting and a copy of the Staff's Report is available to the Petitioner at such time.

#### A. NOTIFICATION

- 1. Each property owner within 200 feet of the subject property will be notified of the variance petition. (Property owner notification fees are comprised of the actual cost of postage plus a surcharge of \$1.80 per item.) The Petitioner shall pay for the notifications at the time the application is made.
- 2. Publication of public notice (legal ad) will be placed in a newspaper ten (10) days prior to a Public Hearing. The Petitioner shall pay for the ad.

### **3. THE BOARD OF ADJUSTMENT MEETING IS HELD ON THE THIRD (3<sup>RD</sup>) MONDAY OF THE MONTH AT 5:30 P.M., IN THE CITY COMMISSION CHAMBERS AT THE CALL OF THE CHAIRMAN:**

- A. The Board will ask for a presentation from the Petitioner.
- B. Staff will present the Administration's recommendation to the Board.
- B. The Board will ask for comments from the public.
- C. Following the public discussion, the Board will discuss the petition and vote for approval or denial.
- D. A majority of affirmative votes is required for approval of the variance. Following the vote, the Chairman will announce the results to the Petitioner and all assembled, the results of which will be forwarded to the City Commission.
- E. The City Commission will conduct a quasi-judicial public hearing in which sworn testimony will be taken and recorded. The City Commission will take the appropriate action on the request.

**4. THE ACTION OF THE CITY COMMISSION SHALL BE RECORDED IN THE MINUTES AND THE PETITIONER WILL BE NOTIFIED BY MAIL OF THE COMMISSIONS ACTIONS.**



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**Zoning Variance – (ZV)**

DATE: \_\_\_\_\_  
\_\_\_\_\_

PETITION NO.:

**Pursuant to Section 8.05.13 of the Land Development Regulations, I hereby request a variance of the Zoning Code as described below:**

PETITIONER:

\_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE NO.:

\_\_\_\_\_

OWNER OF SUBJECT PROPERTY:

\_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE NO.:

\_\_\_\_\_

PETITIONER'S RELATION TO SUBJECT PROPERTY:

\_\_\_\_\_

ADDRESS/LEGAL DESCRIPTION:

\_\_\_\_\_

LOT: \_\_\_\_\_ BLOCK: \_\_\_\_\_ SUBDIVISION: \_\_\_\_\_ ZONING DISTRICT:

\_\_\_\_\_

SECTION(S) OF THE CODE TO BE APPLIED FOR VARIANCE REQUEST:

\_\_\_\_\_

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**ATTACH A JUSTIFICATION STATEMENT ADDRESSING ALL SIX CRITERIA FOR THIS VARIANCE REQUEST AS FOLLOWS: (See Attachment "A" Variance Standards.)**

- |                                     |                              |
|-------------------------------------|------------------------------|
| 1. Special conditions/circumstances | 4. Hardship                  |
| 2. Actions of Applicant             | 5. Minimum variance          |
| 3. Special privilege                | 6. General intention purpose |

THIS IS TO CERTIFY THAT I AM THE OWNER OF THE SUBJECT PROPERTY DESCRIBED IN THIS VARIANCE PETITION. I HAVE READ THIS PETITION AND THE STATEMENTS CONTAINED HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNATURE OF PETITIONER: \_\_\_\_\_ DATE:

\_\_\_\_\_

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## Owner Authorization

Property Address: \_\_\_\_\_

\_\_\_\_\_

Parcel Id: \_\_\_\_\_

AS OWNER, I AUTHORIZE \_\_\_\_\_ TO ACT AS MY AGENT IN THIS MATTER.  
PRINT NAME, ADDRESS AND PHONE NUMBER OF REPRESENTATIVE, IF APPLICABLE.

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

**STATE OF FLORIDA,**  
County of Flagler

Subscribed and Sworn to (or affirmed) before me by

\_\_\_\_\_

SIGNATURE OF OWNER

\_\_\_\_\_  
OWNER'S NAME (Print/Type)

\_\_\_\_\_  
ADDRESS (Street, City) & Phone Number

This \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ . Who is personally known to me or has produced  
\_\_\_\_\_ as identification.

\_\_\_\_\_  
Commission Number & Expiration

\_\_\_\_\_  
Notary Public

## VARIANCE APPLICATION – ATTACHMENT A

### VARIANCE STANDARDS

**The Board of Adjustment may grant variances only upon finding that the request meets the six standards set forth in Appendix A, Land Development Regulations, Section 8.05.13. Describe how your request meets each requirement.**

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other structures or buildings in the same zoning district;
2. That the special conditions and circumstances do not result from the actions of the applicant;
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district;
4. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant;
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
6. That the grant of the variance will be in harmony with the general intent and purpose of this ordinance, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

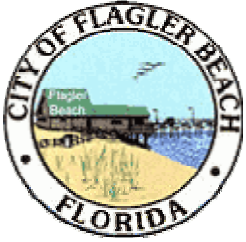
In advocating any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is advocated, shall be deemed a violation of this ordinance. The board of adjustment may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances except as permitted above shall the board of adjustment advocate a variance to permit use not generally or by special exception permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of this ordinance in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the advocacy of a variance.

## CHECKLIST OF REQUIRED ITEMS

The information and attachments requested as part of this application are the minimum necessary to determine compliance with the requirements of the City of Flagler Beach Zoning Ordinance. The City may require additional information, or waive certain requirements, at any time during the application process depending upon the nature of the variance request.

### **ATTACHMENTS CHECKLIST:**

- DESCRIPTION OF HOW THIS APPLICATION MEETS THE SIX VARIANCE STANDARDS (Complete Attachment A, "Variance Standards")
  
- WARRANTY DEED
  
- OWNER'S AUTHORIZATION
  
- OTHER AGENCY PERMITS (Certified statement re: required permits and copy of applications / permits)
  
- LOCATION MAP
  
- SITE DEVELOPMENT PLAN (1"=20')
  
- CURRENT SURVEY – To include:
  - \* Wetlands jurisdiction line and wetlands buffer delineation (if applicable)
  - \* Elevations relative to the National Geodetic Vertical Datum (NGVD)
  - \* Spot elevations at property corners, and at least two intermediate points along side property lines, and the high & low points along centerline of the property
  - \* Proposed finished floor elevation
  - \* Finished floor elevation of adjacent residences (if applicable)
  
- DRAINAGE PLAN OR VERIFICATION OF EXISTING DRAINAGE IMPROVEMENTS (Wetlands, Mirror Lake Overlay District, Coastal Construction Zone, Additional Information as applicable or required)
  
- BUILDING ELEVATIONS (Front, back, and side, showing height and setback compliance)
  
- EXISTING / PROPOSED PLAN
  
- 15 COMPLETE SETS OF ALL REQUESTED MATERIALS



## **PLANNING & ZONING**

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**Dear Petitioner,**

**Please be aware that your petition for a variance to the Board of Adjustment may be subject to deed restrictions. You are advised to check your deed for information relative to the person(s) or organizations in which enforce such restrictions. Failure to receive approval may result in a clouded title or other legal action due to non-compliance with recorded deed restrictions. However, the City of Flagler Beach does not enforce deed restrictions except those in Appendix A, Land Development Regulations Section 6.02.04. The City will process said petition regardless of whether such action has been reviewed and approved by those who may enforce the deed restrictions.**

**Planning & Zoning**