



**PLANNING &
CONSERVATION**

**BOA
VARIANCE**

Revised 10/01/18

USE THIS FORM TO: Apply for a variance from requirements in the Land Development Code (LDC). Variances are demonstrations of hardship as to why a project cannot meet the requirements.

FEES: \$850 for residential properties, \$1,000 for non-residential properties, Administrative Appeal \$450.00. Fees payable upon application.

IMPORTANT NOTES: To guide you through the process and ensure that your application is understood and properly processed, you'll need to meet with the applicable planner prior to submitting your application. Completed Board applications are due 30 days prior to the meeting date. Cases in the historic districts or Community Redevelopment Area are heard by the Historic District Council, please use the HDC Variance Application. Cases in all other areas of the City are heard by the Board of Adjustment. Variance procedures are found in LDC Section 10.02.04.

KEY CONTACTS: The Department of Planning & Conservation will guide your application from start to finish, engaging other City departments or agencies as needed.

2019 Board of Adjustment Meeting Schedule
Meetings are held the 3rd Wednesday of the month at 5:00pm.

Application Deadline (4:30pm)	Dec 17 2018	Jan 16 2019	Feb 20 2019	Mar 20 2019	Apr 17 2019	May 15 2019	June 19 2019	Jul 17 2019	Aug 21 2019	Sep 18 2019	Oct 16 2019	Nov 20 2019	Dec 18 2019	Jan 15 2020	Feb 19 2020
Meeting Date	Jan 16 2019	Feb 20 2019	Mar 20 2019	Apr 17 2019	May 15 2019	June 19 2019	Jul 17 2019	Aug 21 2019	Sep 18 2019	Oct 16 2019	Nov 20 2019	Dec 18 2019	Jan 15 2020	Feb 19 2020	Mar 18 2020

APPLICATION REQUIREMENTS VARIANCE APPLICATIONS

These requirements are not inclusive of the requirements for the proposed work. The Planning Department may require additional drawings, specifications or information in order to complete the review of the application.

THE FOLLOWING MUST BE PROVIDED IN ORDER TO BE A COMPLETE APPLICATION FOR FILING A VARIANCE REQUEST:

- Signed, sealed, scaled survey of the property no older than two years from date of application
- Proof of ownership (copy of deed or tax statement)
- Completed agent authorization, if needed
- Synopsis letter of reasons for request
- Materials as needed to illustrate nature of the request, including but not limited to, site plans, architectural drawings, photographs, etc. (Any site plans or drawings must be dimensioned and to scale.)

The following limitations on the grant of a variance apply:

1. A variance shall not be granted which authorizes a use that is not permissible in the zoning district in which the property subject to the variance is located.
2. A variance shall not be granted which authorizes any use or standard that is prohibited by the City's Comprehensive Plan.
3. No nonconforming use of adjacent lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.
4. A variance shall not change the requirements for concurrency.
5. A variance shall not be granted to permit the use of a single media peonia for the construction of a dwelling unit.
6. A variance shall not be granted if the evidence submitted by an applicant is solely a demonstration of financial hardship or economic considerations.
7. A variance shall not be granted for procedure or process components of this Land Development Code.
8. A variance shall not be granted to deviate from LDC section 4.02.02 to combine two (2) or more lots which would result in a lot width greater than 100 feet for lots or parcels that abut Ocean Avenue, North Fletcher Avenue, or South Fletcher Avenue.

You will receive a staff report one week before your meeting.

APPEALS: Any person aggrieved by any decision of the BOA or HDC regarding a variance may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the filing of the decision at the office of the Board; otherwise, the decision of the Board shall be final.

STAFF CONTACT:

Jacob Platt
Senior Planner
jplatt@fbfl.city
904.310.3482

BOA2019- 00 _____

REC'D: _____ BY: _____

INVOICE #: _____

PAYMENT: _____ TYPE: _____

BOARD MEETING DATE: _____



APPLICATION FOR VARIANCE FROM THE LDC

APPLICANT INFORMATION

Owner Name: _____

Mailing Address: _____

Telephone: _____ Fax: _____

Email: _____

Agent Name: _____

Mailing Address: _____

Telephone: _____ Fax: _____

Email: _____

PROPERTY INFORMATION

Street Address: _____

Parcel Identification Number(s): _____

Lot Number: _____ Block Number: _____

PROJECT INFORMATION

Variance(s) requested from LDC Section(s): _____

Brief description of work proposed (use additional sheets if necessary):

In order for an application for a variance to be approved or approved with conditions, the BOA or the HDC must make a positive finding with regard to each of the provisions below. The applicant has the burden of proof of demonstrating that the application for a variance complies with each of the requirements. Please explain in detail how your case meets the following requirements:

1. **Special Conditions:** 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 zoning district. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.

2. **Special Privilege:** Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.

3. **Literal Interpretation:** Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

4. **Minimum Variance:** The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.

5. **General Harmony:** Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.

6. Public Interest: Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.

If your property is located within the Historic Districts or the Community Redevelopment Area, please fill out responses to the supplemental variance criteria, attached as Appendix A, on a separate sheet of paper.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

_____ Date _____ Signature of Applicant

STATE OF FLORIDA }
 ss }
COUNTY OF NASSAU }

Subscribed and sworn to before me this ____ day of _____, 20__.

_____ Notary Public: Signature _____ Printed Name _____ My Commission Expires _____

Personally Known _____ OR Produced Identification _____ ID Produced: _____



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE _____
(print name of property owner(s))

hereby authorize: _____
(print name of agent)

to represent me/us in processing an application for: _____
(type of application)

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

(Signature of owner)

(Signature of owner)

(Print name of owner)

(Print name of owner)

STATE OF FLORIDA }
 ss }
COUNTY OF NASSAU }

Subscribed and sworn to before me this ___ day of _____, 20__.

Notary Public: Signature

Printed Name

My Commission Expires

Personally Known _____ OR Produced Identification _____ ID Produced: _____