



APPLICATION FOR ADMINISTRATIVE VARIANCE

Pursuant to Flagler County Land Development Code, Section 3.07.03(D)

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Bldg. 2, Suite 105; Bunnell, FL 32110

Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: _____

PROPERTY OWNER(S)	Name(s):
	Mailing Address:
	City: State: Zip:
	Telephone Number Fax Number
	E-Mail Address:

APPLICANT/AGENT	Name(s):
	Mailing Address:
	City: State: Zip:
	Telephone Number Fax Number
	E-Mail Address:

SUBJECT PROPERTY	SITE LOCATION (<i>street address</i>):
	LEGAL DESCRIPTION: <i>(briefly describe, do not use "see attached")</i>
	Parcel # (<i>tax ID #</i>):
	Parcel Size:
	Current Zoning Classification:
	Current Future Land Use Designation

Relief Requested: (only a single setback encroachment or exceedance of maximum lot coverage)

Variance for encroachment of _____ inches (____%) into the minimum required setback of _____ feet.

check one:

front	rear	right side	left side	street side yard
-------	------	------------	-----------	------------------

OR

Variance for an additional _____ % of lot coverage to exceed maximum allowable lot coverage of _____%.

Signature of ALL Owner(s) or Applicant/Agent with Owner Authorization form attached

Date

**** OFFICIAL USE ONLY ****

DECISION:

Date: _____

APPROVED []
DENIED []

Signature of Planning and Zoning Director: _____



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Suite 105
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Subject Property: _____

E. *Variance guidelines.* A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such variances may be granted by the planning board in such individual case of unnecessary hardship upon a written finding that:

1. There are extraordinary and exceptional conditions pertaining to particular piece of property in question because of its size, shape, topography, or other unique features that, when considered in whole or part, creates an unnecessary hardship; and

2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and

3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and

4. No variance may be granted for a use of land or building that is not permitted by this article.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 09/16



APPLICATION FOR ADMINISTRATIVE VARIANCE

Pursuant to Flagler County Land Development Code, Section 3.07.03(D)

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Bldg 2, Suite 105; Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Required Attachments for Variance Application:

- 1.) Copy of Owner(s) recorded Warranty Deed;
- 2.) Owner's Authorization if application signed by Applicant/Agent;
- 3.) Application fee \$175.00 plus postage for notification of public hearing. Make check payable to BOCC. Fee amount per Resolution 2011-01.
- 4.) As-built survey showing all existing and proposed structures with setbacks to all property lines.
- 5.) Provide detailed explanation and justification for the variance, according to the Variance Guidelines outlined at Section 3.07.03E.

NOTE: All applicants are requested to provide at least one set of documents/plans in a size no larger than 11" x 17" plus one electronic submittal in PDF format is preferred.



APPLICATION FOR ADMINISTRATIVE VARIANCE

Pursuant to Flagler County Land Development Code, Section 3.07.03(D)

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Bldg 2, Suite 105; Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Excerpt from Flagler County Land Development Code, Article III, Section 3.07.03:

D. *Administrative approval of Variances.*

Subject to the criteria in Section 3.07.03(E), the Planning and Zoning Director may grant an administrative variance as prescribed below. The specific criteria for consideration of an administrative variance, in addition to the general variance criteria included at Section 3.07.03(E), are as follows:

1. An administrative variance may be considered for a single setback encroachment or exceedance of maximum lot coverage, but not for multiple setback encroachments or for both a setback encroachment and an exceedance of the maximum lot coverage. Instances where relief is sought for multiple setback encroachments or for both a setback encroachment and an exceedance of the maximum lot coverage are not eligible for an administrative variance, but may request a variance hearing before the Planning and Development Board subject to the general criteria in Section 3.07.03(E). Likewise, a single application for an administrative variance may not be considered by the Planning and Zoning Director in succession where an applicant is attempting to void these specific eligibility criteria for an administrative variance. In no instance shall an administrative variance exceed the maximum of either:
 - a. Encroachment within setbacks of no more than five percent (5%) of any required minimum setback, but not to exceed twelve inches (12") for a residential principal or accessory structure; or
 - b. Exceedance of maximum allowable lot coverage by five percent (5%) of the maximum allowable coverage or less for a residential principal or accessory structure, where the 5% amount is calculated based on the maximum lot coverage and not as 5% of the total lot area (e.g., an administrative variance could be considered for up to a 42% lot coverage based on a zoning district's 40% maximum lot coverage limitation).
 - c. Under no circumstances shall any administrative variance be approved which would allow a reduction of the separation between structures to less than ten feet (10').
2. A request for an administrative variance must be submitted in writing on the application form provided by Flagler County and include an as-built survey along with a detailed explanation and justification for the variance.
3. All adjacent landowners shall be given written notice by U.S. Mail of the proposed administrative variance and an opportunity to object. If no objection is made within thirty (30) days of the date the notice is sent, then the Planning and Zoning Director shall proceed with the administrative variance. If any adjacent landowner objects, then the proposed variance

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 05/11



APPLICATION FOR ADMINISTRATIVE VARIANCE

Pursuant to Flagler County Land Development Code, Section 3.07.03(D)

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Bldg 2, Suite 105; Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

shall automatically be prepared for review by the Planning and Development Board. For purposes of this section, an adjacent landowner is the record owner or owners of a parcel sharing a common point of tangency or boundary with the subject property.

4. The applicant shall, at the time the application is made, pay an application fee as prescribed by the Flagler County Fee Resolution in effect at the time of submittal of the administrative variance application.
5. If the administrative variance is denied, the applicant may apply for a variance from the Planning and Development Board as provided for herein and set forth at Section 3.07.03. The appeals procedure set forth in Section 3.07.04 is not applicable to the Planning and Zoning Director's decisions rendered on administrative variances in this section.

E. Variance guidelines. A variance may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions relating to the property, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such Variances may be granted by the Planning and Development Board in such an individual case of unnecessary hardship upon a written finding based on competent, substantial evidence in the official record that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; or other unique features that, when considered in whole or in part, creates an unnecessary hardship; and
2. Such conditions were not created by the affirmative actions of the applicant and the applicant has acted at all times in good faith; and
3. The variance, if granted, would not cause substantial detriment to the public health, welfare, safety, and morals of the community or impair the purpose and intent of this article; and
4. No variance may be granted for a use of land or building that is not permitted by this article.

A variance, if granted, shall be the minimum variance necessary to alleviate the hardship. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

NOTE: The applicant or a representative, must be present at the Public Hearing since the Board, at its discretion, may defer action, table, or take decisive action on any application. Rev. 05/11