



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, 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

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		
	Subject to A1A Scenic Corridor IDO?		YES

Relief Requested: _____

Signature of Owner(s) or Applicant/Agent _____ Date _____
if Owner Authorization form attached

****OFFICIAL USE ONLY****

PLANNING BOARD RECOMMENDATION/ACTION: APPROVED []
*APPROVED WITH CONDITIONS []
DENIED []

Signature of Chairman: _____

Date: _____ *approved with conditions, see attached.

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 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.



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA
1769 E. Moody Blvd, Bldg 2
Bunnell, FL 32110
Telephone: (386) 313-4009 Fax: (386) 313-4109

Application/Project #: _____

Required Attachments for Variance Application:

- 1.) Copy of Owner(s) recorded Warranty Deed;
- 2.) Application fee \$345.00 plus postage and \$50 for notification of public hearing (posting of sign). Make check payable to BOCC. Fee amount per Resolution 2008-31 as amended.
- 3.) Complete application and site plan meeting all requirements of Flagler County Land Development Code.

NOTE: Pursuant to Section 286.0105 of Florida Statutes, the Flagler County Planning Board hereby notifies all interested persons that if a person decides to appeal any decision made by the Planning Board with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.



APPLICATION FOR VARIANCE

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Suite 105

Bunnell, FL 32110

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

3.07.03. Procedure for variances and special exceptions.

- A. *Request application.* A request for a hearing before the planning board for a variance or special exception shall be made as follows:
1. A completed application form shall be filed with the planning and zoning director. Such application shall state the pertinent facts on which the request is based. The planning and zoning director may assist the applicant in preparing the application.
 2. An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the planning and zoning director. Such site plan shall include, as a minimum, the following:
 - (a) Lot dimensions with property line monuments located thereon.
 - (b) Location and size of existing and proposed structures.
 - (c) Easements (public and private), water courses, and if existing and proposed, fences, street names, and street right-of-way lines and such information regarding abutting property, as directly affects the application.
- B. *Planning board hearing.*
1. The planning and zoning director shall schedule a hearing before the planning board to consider the application. Scheduling of this hearing shall provide ample time for the planning and zoning director to provide notice to surrounding property owners as set forth in subsection 3.07.03. In no event shall such hearing be scheduled more than forty-five (45) days from the date of application.
 2. The hearing provided for under this section shall be for the purpose of reviewing relevant information from the applicant regarding the requested variance and/or special exception. The planning board shall also review written and/or oral comments from the public in accordance with its established procedures.
 3. The planning board shall determine whether sufficient factual data was presented in order to render a decision. If the planning board determines that sufficient factual data was presented, then it shall render a decision to either:
 - a. Approve the request as submitted;
 - b. Approve the request with conditions;
 - c. Disapprove the request.
- If the planning board determines that sufficient factual data was not presented, the planning board may continue the hearing until the next scheduled meeting to allow for the preparation of such factual data. Only one (1) such continuation shall be allowed for each requested variance and/or special exception.
- C. *Appeal of planning board decision.*
1. Within thirty (30) days of the rendering of a decision by the planning board regarding a requested variance and/or special exception, an appeal may be filed with the board of county commissioners. Such appeal may be filed by the original applicant, the planning and zoning director, other county staff as authorized, and a surrounding property owner, as defined in subsection 3.07.03.
 2. The application for appeal shall be filed with the planning and zoning director who shall schedule a hearing on the appeal with the board of county commissioners. Scheduling of this hearing shall provide ample time for the applicant to provide notice to surrounding property owners, as set forth in subsection 3.07.03.
 3. The appeal hearing provided for under this section shall be for the purpose of reviewing all pertinent information regarding the appeal. The applicant shall provide all relevant factual data, materials and/or oral testimony to support the appeal. The board of county

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 VARIANCE

FLAGLER COUNTY, FLORIDA

1769 E. Moody Blvd, Suite 105

Bunnell, FL 32110

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

commissioners shall also review written and/or oral comments from the public in

accordance with its established procedures.

4. At the conclusion of the appeals hearing provided for under this section, the board of county commissioners shall render a decision on the appeal. Any decision rendered by the board of county commissioners under this section shall be deemed final.

D. *Reserved*

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.