



# APPLICATION FOR WETLAND VARIANCE

FLAGLER COUNTY, FLORIDA

1200 E. Moody Boulevard, #2

Bunnell, FL 32110

Telephone: (386) 437-7484 Fax: (386) 437-7488

Application/Project #: \_\_\_\_\_

<b>PROPERTY OWNER(S)</b>	Name:			
	Mailing Address:			
	City:	State:	Zip:	
	Telephone Number	( )	Fax Number	( )

<b>APPLICANT/AGENT</b>	Name:			
	Mailing Address:			
	City:	State:	Zip:	
	Telephone Number	( )	Fax Number	( )

<b>SUBJECT PROPERTY</b>	SITE LOCATION ( <i>street address</i> ):			
	LEGAL DESCRIPTION: <i>(briefly describe, do not use "see attached map")</i>			
	Parcel # ( <i>tax ID #</i> ):			
	Parcel Size:			
	Waterbodies:			
	Subject to A1A Scenic Corridor IDO?		YES	NO

<b>COMPLETE FOR ALL ACTIVITIES THAT MAY APPLY TO PROJECT:</b>	Docks/Walkways	Total Area	sq. ft		
	Boathouse	Total Area	sq. ft		
	Seawall	Length	ft.		
	Revetment	Length	ft	Base Width	ft
	Filling	Total Area	sq. ft	Volume	Cubic Yds.
	Dredging	Total Area.	sq. ft	Volume	Cubic Yds
	Vegetation Removal	Total Area	sq. ft.		
	Other	(Please describe)			

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. 03/06

Date construction is proposed to commence: \_\_\_\_\_

5. Application is made for a variance to authorize the activities herein.

- A. I authorize the agent listed to negotiate modifications or revisions, when necessary, and accept or assent to any stipulations on my behalf.
- B. I understand that I may have to provide any additional information/data that may be necessary to provide reasonable assurance or evidence to show that the proposed project will comply with the applicable State Water Quality Standards or other environmental standards both before construction and after the project is completed.
- C. In addition, I agree to provide entry to the project site for inspectors with the proper identification or documents as required by law for the purpose of making preliminary analysis of the site. Further, I agree to provide entry to the project site for such inspectors to monitor variance work if a variance is granted.
- D. Further, I hereby acknowledge the obligation and responsibility for obtaining all of the required state, federal or local permits before commencement of activities.

I CERTIFY that I am familiar with the information contained in this application, and that to the best of my knowledge belief such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities.

\_\_\_\_\_  
Signature of Owner(s) or Applicant/Agent  
if Owner Authorization form attached

\_\_\_\_\_  
Date

**\*\*OFFICIAL USE ONLY\*\***

PLANNING BOARD RECOMMENDATION/ACTION:

APPROVED [ ]  
\*APPROVED WITH CONDITIONS [ ]  
DENIED [ ]

Signature of Chairman: \_\_\_\_\_ Date:  
\_\_\_\_\_ \*approved with conditions, see attached.

PLANNING BOARD RECOMMENDATION/ACTION:

APPROVED [ ]  
\*APPROVED WITH CONDITIONS [ ]  
DENIED [ ]

Signature of Chairman: \_\_\_\_\_ Date:  
\_\_\_\_\_ \*approved with conditions, see attached.

REQUIRED ATTACHMENTS:

- 1.) Copy of Owner's recorded Warranty Deed;
- 2.) Set of plans meeting all requirements of the Flagler County Land Development Code.
- 3.) Application fee in the amount of \$200.00. Fee amount per Resolution 2005-148

Pursuant to Section 286.0105 of Florida Statutes, Flagler County hereby notifies all interested persons that if a person decides to appeal any decision made by the Planning Board or Board of County Commissioners with respect to any matter considered at such meetings or hearings, 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.

**6.02.00. WETLANDS**

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**6.02.01. Purpose and intent.**

It is the purpose and intent of this regulation to provide for the protection, maintenance and enhancement of wetlands within Flagler County, recognizing the rights of individual property owners to use their lands in an economically reasonable manner as well as the rights of all citizens to protection of the waters of Flagler County and their associated wetland ecosystems. It is further the purpose and intent of this section of this article to ensure that there be no net loss of wetlands

6.02.05. Variances.

A. *Criteria.* Uses and activities other than those exempted in section 6.02.03 may be authorized in special circumstances which are peculiar to the land, through issuance of a variance by the Flagler County Board of County Commissioners if the applicant can demonstrate all of the following conditions:

(1) No economically reasonable use is possible for the parcel of land owned by the applicant and alternative locations on the parcel outside of the wetland are not practical.

(2) The use will not threaten public safety or cause nuisances, increase flooding above predevelopment conditions on other lands, impair public rights to the enjoyment of plant or animal species, or violate pollution control standards or other federal, state, or local regulations.

(3) The proposed use will not result in: (a) infilling or removal of more than twenty-five (25) percent of the wetland or other modification of natural topographic contours; (b) the irreversible destruction of the wetland due to increases in water turbidity, influx of sediments or other materials, reduction or increase in wetland water supply, reduction or increases in wetland nutrients, influx of hazardous chemicals, and thermal changes in the wetland.

(4) All other federal, state, and local permits have been obtained as appropriate or will be made a contingency for variance approval. If the applicant meets the criteria for a variance, a variance shall be granted. An owner, however, is not permitted to obtain a variance for self-created hardships such as, but not limited to, subdividing so as to yield a parcel solely in wetlands, or alteration of upland area which negates reasonable economic use of the property.

B. *Application procedures.* Flagler County shall require an application for said wetland alteration and it shall include, but not be limited to:

(1) Name of applicant;

(2) For projects which impact one-half ( 1/2) acre or more, a wetland management plan that shall contain sufficient information for Flagler County to evaluate the criteria for a variance, the environmental characteristics of the wetlands, the potential and predicted impacts of the proposed activities on wetlands and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts. The wetland management plan should include but not be limited to the following:

(a) A description of all water bodies, water courses and wetlands onsite and a general description of wetlands immediately adjacent to the site in order to allow an assessment of wetland impacts. (A federal, state or regional agency permit which depicts this information will be adequate)

(b) A map of the natural systems on the site, based on the Florida Land Use Cover Classification System (1976).

(c) The existing environmental, soil, and hydrologic conditions of the site.

(d) A plan for control of erosion and sedimentation which describes in detail the type and location of control measures and provisions of maintenance.

(3) Other information which Flagler County may reasonably require to determine whether to approve the wetlands alteration.

(4) The applicant shall submit an application, supporting documents and the required review fee of two hundred dollars (\$200.00) plus five dollars (\$5.00) per acre to the Flagler County Planning Department. Any request for additional information shall be mailed to the applicant of record within thirty (30) days of receipt of the application by the county. Further requests for information shall be based solely on responses to the request which need clarification.

(a) Within thirty (30) days of receipt of the applicant's response to the request for additional information, the application shall be scheduled on the agenda of the Flagler County Planning and Zoning Board.

(1) The planning board shall consider whether the applicant has satisfactorily met the standards contained in section 6.02.05 of this Section of this article, and shall make a recommendation accordingly to the Flagler Board of County Commissioners.

(b) Within thirty (30) days of the planning board recommendation, the application shall be placed on the agenda of the board of county commissioners for approval with or without conditions or for denial.

(c) Applicants may request a preapplication conference with the staff of Flagler County.

(d) Appeal of the decision of the board shall be as provided by law.

(e) The county commission shall review and take action within one hundred twenty (120) days after the receipt of a complete application package.

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