



Community Development

Building | Code Enforcement | Planning | Zoning

Application for Variance

The following information is required for submission of a variance application. It is important that all information be complete and accurate when submitted to the City. Please print or type the required information below. Board of Adjustment hearings to consider variance requests are scheduled as needed. Applications must be accompanied by a survey copy of property, and a sketch of the request. Applications may be submitted electronically via email, however one (1) original signed application with attachments is required.

Property Identification

Property Address or General Location: _____

Present Use of the Property: _____

Existing Structures Located on the Site: _____

Total Acreage: _____ Parcel I.D.#: _____

Legal Description of the Property: _____

Describe the variance which you are requesting: _____

Variance from Code Section: _____

Applicant must use the criteria listed on pages 3 and 4 of this application to support the request.

(Use sheet that is provided, and attach additional sheets if necessary)

I hereby depose and swear that all the above statements and information contained in all the exhibits transmitted herein are true.

Signature: _____ Print Name: _____

Mailing Address: _____

Email: _____ Phone: _____

City Use Only:

Date Received: _____ Received By: _____ Fee Paid: **\$253.35**

BOA Hearing Date: _____ Public Notice Publish Date: _____

The Lake Alfred Board of Adjustments has two functions:

1. To hear specific variance requests from appropriate provisions of the Unified Land Development Code, where literal enforcement would result in an unnecessary hardship for the applicant
2. To hear any appeals of administrative decisions where there is an alleged error in requirement or policy by the City staff.

The Board shall make a decision or determination as deemed proper for each case, based on findings and facts. The basis for their review will be considered against the Criteria for Granting a Variance in Section 7.11.01 of the Unified Land Development Code (see page 3) and the following:

1. **Unique Circumstances:** That there are unique and special circumstances or conditions applying to the property in question, to the intended use of the property that do not apply generally to other properties in the same district.
2. **Hardships not self-created:** That any alleged hardship is not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of this ordinance.
3. **Deprivation of reasonable use:** That strict application of the provisions of this ordinance would deprive the applicant of reasonable use of the property for which the variance is sought.

SPEAKING LIMITATIONS: All speakers shall be limited to no more than five (5) minutes, unless the speaker requests planning staff for additional time, no less than 48 hours prior to the public hearing. In the event speaker(s) request additional time, the determination of the amount of time to be allowed shall be at the discretion of the Chair, but in no event shall speaker be allowed to speak longer than 15 minutes. This time limitation shall not apply to presentations made by the city staff and/or their consultants.

VERBATIM TRANSCRIPT MAY BE REQUIRED TO APPEAL: Any person deciding to appeal any decision made by the Board of Adjustment, with respect to any matter considered at such meeting, will need a record of that proceeding, and for such purpose, may need to ensure that a verbatim record be made which record includes the testimony and evidence upon which the appeal is to be made.

SPECIAL ACCOMMODATIONS: In accordance with the American with Disabilities Act (ADA), any person with a disability requiring reasonable accommodation in order to participate in this meeting should contact the City Clerk at 863-291-5747 at least four days prior to the meeting.

APPEALS OF DECISIONS: Should the Board of Adjustment deny the request, it is up to the applicant to apply to the circuit court within 30 days.

**City of Lake Alfred
Unified Land Development Code**

7.11.00 Variances

Any person, firm or corporation owning property in the City of Lake Alfred may apply for a variance from specific provisions of this Code, excepting those relating to permitted land uses, concurrency and consistency with the Comprehensive Plan. Variances shall be granted only by the Board of Adjustment in a public hearing that has been advertised in accordance with Section 8.06.00 of this Code. Variances granted by the Board shall be the minimum necessary to provide a reasonable use of the property and may be approved subject to time limits or any other conditions that the Board deems appropriate.

7.11.01 Criteria for Granting a Variance

The granting of a variance shall be based on a determination by the Board of Adjustment that the request will not be contrary to the public interest and the intent of this Code, and that strict enforcement of the regulation in question would create an undue and unnecessary hardship for the applicant. Considerations of health, convenience or economics shall not be considered as justification for a variance. Approval of a variance shall be based solely on the following criteria, all of which must be fully satisfied:

- (A) Special conditions and circumstances exist that are peculiar to the land or structure involved and that are not applicable to other lands or structures in the same land use classification.
- (B) The special conditions and circumstances do not result from the actions of the applicant.
- (C) The requested variance, if approved, will not confer on the applicant any special privilege that is denied by the provisions of this Code to other lands or structures in the same land use classification.
- (D) Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the identical land use classification and will constitute an unnecessary and undue hardship on the applicant.
- (E) That the variance granted is the minimum variance that will make possible a reasonable use of the land or structure.
- (F) That the granting of the variance will be in harmony with the general intent of this Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

For each variance granted, the Board of Adjustment shall approve, and the chairman shall sign, a resolution listing the above criteria and attesting that each has been satisfied.

Please explain how your request satisfies these criteria:

1. Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same land use classification. *(Example: There is a sinkhole on part of the property; or the lot is irregularly shaped)*

2. The special conditions and circumstances do not result from the actions of the applicant. *(Example: The property or structure was nonconforming when the applicant purchased it.)*

3. The requested variance, if approved, will not confer on the applicant any special privilege that is denied by the provisions of this code to other lands or structures in the same land use classification. *(Example: Allowing a three-story structure in a zone that only allows for two-story structures would confer a special privilege on the applicant)*

4. Literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the identical land use classification and will constitute an unnecessary and undue hardship on the applicant. *(Example: Forcing setbacks on a parcel with a wetland so that the applicant cannot build their house)*

5. That the variance granted is the minimum variance that will make possible a reasonable use of the land or structure. *(Example: If a 5-foot variance to a setback will allow the homeowner to build, then a 10 foot variance will not be granted)*

6. That the granting of the variance will be in harmony with the general intent of this code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. *(Example: Allowing a 5 foot variance to the front setback is in harmony with the general intent of setbacks and will not cause injury to the area or be detrimental to the public welfare.)*

OWNER'S SIGNATURE PAGE

(I) (We), _____ being duly sworn, depose and say that (I) (we) own one or more of the properties involved in this petition and that (I) (we) authorize the City of Lake Alfred to process this application for Variance, in accordance with all adopted City rules and regulations, and in conformance with State law.

Further, the undersigned (has) (have) appointed and (does) (do) appoint _____ as agent(s) to execute any petitions or other documents necessary to affect such petition; and request that you accept the signature of my agent(s) as representing my agreement of all terms and conditions of the approval process:

Further, (I) (we) or any agent or lessee of the subject property authorized by (me) (us) to file this petition, deposes and say that the statements and answers contained in the application and any information attached thereto, present the arguments in behalf of this petition to the best of (my) (our) ability; and that the statements and information referred to above are in all respects true and correct to the best of (my) (our) knowledge and belief.

OWNERS

_____/_____
Owner's Signature/Print Title

_____/_____
Owner's Signature/Print Title

Printed Name of Owner

Printed Name of Owner

OWNER'S NOTARIZATION

STATE OF FLORIDA
COUNTY OF _____.

The foregoing instrument was acknowledged before me this ___ day of _____, 20___, by _____, who is personally known to me or who has produced _____ as identification.

Notary Public
Notarial Seal and Commission
Expiration Date

AGENT OR LESSEE SIGNATURE PAGE

(I) _____ (We),
_____ being
duly sworn, that (I) (we) serve as (agent or lessee) for the owner(s) in
making this petition and that the owner(s) (has) (have) authorized (me) (us) to act in this
capacity.

Further, (I) (we) depose and say that the statements and answers herein contained and
other information attached hereto present the arguments on behalf of the petition herein
requested to the best of (my) (our) ability and that the statements and information above
belief.

AGENT OR LESSEE SIGNATURE

Agent or Lessee's Signature/Print Title

Agent or Lessee's Signature/Print Title

Printed Name of Agent or Lessee

Printed Name of Agent or Lessee

Company's Name

Company's Name

Company's Address

Company's Address

AGENT OR LESSEE(S) NOTARIZATION

STATE OF FLORIDA
COUNTY OF _____.

The foregoing instrument was acknowledged before me this ___ day of
_____, 20___, by _____,
who is personally known to me or who has produced _____ as
identification.

Notary Public
Notarial Seal and Commission
Expiration Date