



Town of Ponce Inlet
 Planning & Development Dept.
 4300 S. Atlantic Avenue
 Ponce Inlet, FL 32127
 386-236-2181 (voice)
 386-322-6717 (fax)

VARIANCE APPLICATION
 Pursuant to Article X, Section 10.2 of the
 Land Use and Development Code

Submittal Receipt # and Date: _____

Application #: _____

FEE PAID: _____

Authority to approve a variance application from Article V (Land Use, Density and Intensity) of the Land Use and Development Code is given to the Board of Adjustment pursuant to Article X, Section 10.2 of the Land Use and Development Code. The town council may authorize a variance from any provision of this code, except the provisions of Article V.

Please Note: Failure to *fully complete* all the applicable items will result in the application being deemed incomplete and no further action will be taken.

SECTION 1: PROPERTY INFORMATION

Property Address	
Tax Parcel Number(s)	
Legal Description	

SECTION 2: PROPERTY OWNER INFORMATION

Owner's Name		Mailing Address	
Phone		Fax	
Email			

Proof of Ownership provided:

SECTION 3: APPLICANT/AGENT INFORMATION (if not property owner)

Applicant Name		Mailing Address	
Phone		Fax	
Agent Name/Title		Mailing Address	
Phone		Fax	

Owner's authorization for agent to apply attached: Yes No

SECTION 4: VARIANCE LAND INFORMATION

Description of the property to be considered for variance	
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Section of the Code from which the variance is being requested:

Specific criteria, if any, to be considered pursuant to that section:

SECTION 5: APPLICATION PROCEDURE

Pursuant to Article X, Section 10.2.1, a written petition for a variance shall be submitted to the development code administrator. Criteria to be addressed in the written petition include:

- A. 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 classification.
- B. The special conditions and circumstances do not result from the actions of the applicant.
- C. Literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classifications, under the terms of the code, and would work an unnecessary and undue hardship on the applicant. In addition, the town council may be justified in granting a request for variance from any provision of this code, except those of article V, if strict adherence to the provision does not promote the purpose for which said provision was intended or the variance is necessary to promote a town policy such as preservation of dunes, water conservation, or preservation of natural vegetation.
- D. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- E. The grant of the variance will be in harmony with the general intent and purpose of the code and that such variance will not be injurious to the area involved.

A written narrative addressing how the above criteria relate to your application must be attached as part of this application.

The development code administrator shall refer a copy of the application to the Board of Adjustment at least one week prior to the meeting at which the application is to be heard. When the application involves any land use application that must be heard by the planning commission, then the application for variance shall also be reviewed by the planning commission who shall forward its recommendation regarding the variance to the town council.

SECTION 6: DUE PUBLIC NOTICE

Pursuant to Article II, Section 2.2 of the Land Use and Development Code, due public notice for public hearing before the Board of Adjustment is required and defined as: "Notice regarding any action shall be by publication of a legal notice in a newspaper of general circulation at least seven days prior to the public hearing. The notice shall state the date, time, place, and purpose of the meeting and that interested persons will have an opportunity to be heard. In addition, similar notices setting forth the time, place, and purpose of such hearing shall be mailed at least 15 days in advance of the hearing by the applicant to the last known address of the owners of contiguous property and shall also be posted in a conspicuous place or places on or around such lots, parcels, or tracts of land as may be involved in or directly affected by the hearing.

For any public hearing required by an application submitted to the Town of Ponce Inlet, the applicant shall be responsible for paying all costs of advertising. The applicant shall be responsible for mailing all required notices, and affidavit proof of the required mailing shall be presented at the hearing."

A list of contiguous property owners to whom notices of hearing will be sent must be attached to this application.

SECTION 7: CONDITIONS AND SAFEGUARDS

Pursuant to Article X, Section 10.2.3, the board of adjustment may impose on the grant of any variance, any conditions or safeguards not otherwise required, if deemed necessary or desirable in furthering the purposes of this code. Violation of any such conditions or safeguards may result in a revocation of any variance permit, in addition to any other remedy for such violation provided in this code or by law.

SECTION 8: LIMITATION OF POWER TO GRANT VARIANCES

Pursuant to Article X, Section 10.2.4, a variance from the provisions of article V may be granted by the board of adjustment only to modify the area, size, setbacks, or open space requirements of this code. Additionally, pursuant to Section 10.2.4, "No nonconforming use of neighboring land, structures, or buildings in the same zoning classification and no permitted use of lands, structures or buildings in other zoning classifications shall be considered grounds for the authorization of a variance."

SECTION 9: EXPIRATION OF VARIANCE

Pursuant to Section 10.2.6. "If a variance does not begin to serve the purpose for which it was granted within 12 months from the date of rendition, or, if its use is abandoned for 12 consecutive months from the date of rendition, it shall expire. A shorter or longer period of time may be set by the town council or the board of adjustment."

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

Signature of Applicant or Agent

Date

STATE OF FLORIDA
COUNTY OF VOLUSIA

Affirmed and subscribed before me this _____ day of _____, 20____ by
_____, who is personally known to me or who has produced
_____ (type of ID) as identification.

Notary Public

My commission expires: