



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
 OTHER THAN PROVISIONS OF
 ARTICLE V**

Submittal Receipt # and Date: _____

Application #: _____

FEE PAID: _____

Authority to approve a variance application other than from Article V is given to the Town Council 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 (Land Use, Density and Intensity).

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	

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: _____

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.

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 town council 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: CONDITIONS AND SAFEGUARDS

Pursuant to Article X, Section 10.2.3, the town council 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 7: LIMITATION OF POWER TO GRANT VARIANCES

Pursuant to Article X, Section 10.2.4, a variance from the provisions of article VII may be granted by the town council only within the limitations set forth in the rules and regulations of the Federal Emergency Management Agency, 44 CFR 59 et seq., and subsequent amendments thereto. A variance from any provision of any other article of this code, except articles V and VII, may be granted by the town council without restriction, except as may be specifically provided in this code or any other applicable rule or regulation.

Under no circumstances shall the town council grant a variance to permit or expand a use not generally or by special exception permitted in the applicable zoning classification. **A variance may be granted only if the applicant meets all of the conditions listed in section 10.2.1.**

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 8: VARIANCES TO BE CONSIDERED AS PART OF DEVELOPMENT REVIEW

Pursuant to Article X, Section 10.2.5, "Any person desiring to undertake a development activity not in conformance with this code may apply for a variance in conjunction with the application for development review. Any variance, except those from the provisions of article V, may be granted or denied by the town council in conjunction with the application for development review. Any variance brought before the town council in conjunction with an application for development review shall be heard and acted upon prior to review of the application for development review. For projects requiring multiple development review approvals, a variance, once granted by the town council, shall be valid for all subsequent development reviews as long as it has not expired or the conditions and circumstances justifying the variance have not changed."

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: