

VARIANCE PROCEDURES

FEES:	\$598.00	For first variance
	\$182.00	For each additional variance on same property which is part of the same application

- Variances shall only be authorized & granted by the Zoning Board of Appeals from the provisions of Chapter 62, Article VI pertaining to zoning, or Chapter 62, Article IX pertaining to signs.
- Variance requests must be reviewed by P&Z for study & written recommendations prior to consideration by Zoning Board of Appeals.
- Prior to P&Z Public Hearing
 - There is no letter sent notifying applicant of P&Z action (approval or denial).
- For the Public Hearing before the Zoning Board of Appeals
 - Ad must be published in local newspaper at least 15 days prior to date of hearing before P&Z Board - the ad includes the dates of the P&Z meeting and Zoning Board of Appeals meeting
 - Notice of hearing must be posted by the Town
 - Copy of notice of hearing must be sent via certified mail to applicant at least 15 days prior to the P&Z hearing
 - Copy of notice of hearing must be posted by the applicant on property requesting variance
 - Applicant must sign and submit an affidavit evidencing posting of the property
 - Resolution regarding variance must be produced/approved by City Attorney and placed on the Town Council agenda as a public hearing (the item must be placed before approval of minutes on agenda)
 - Written notice shall be provided by the Town to the Valkaria Airport Manager relative to any variance requested from the provisions of Chapter 62, Article VI, Division 6, Subdivision II pertaining to airport restrictions.
 - Send letter notifying applicant of Board of Appeals action (approval or denial)
 - Resolution must be sent to the Clerk of the Court for recording

TOWN OF GRANT-VALKARIA
PETITION FOR VARIANCE

Date: _____

No. _____

This petition must be complete and returned with all enclosures referred to below to Town Clerk of the Town of Grant-Valkaria. This petition will then be referred to the Planning and Zoning Board for study and recommendation before forwarding to the Zoning Board of Appeals for its review and approval/disapproval.

(PLEASE PRINT)

1. APPLICANT NAME: _____

CONTACT PERSON (If Corporation): _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____ TELEPHONE: _____

2. OWNER OF PROPERTY: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____ TELEPHONE: _____

3. If Applicant or Owner cannot attend the Planning and Zoning Board and/or Zoning Board of Appeals Meeting, please list the name of the Representative who will make the presentation, answer questions or make decisions for the Applicant or Owner.

REPRESENTATIVE NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____ TELEPHONE: _____

4. PHYSICAL LOCATION OF PROPERTY OR ADDRESS OF PROPERTY: _____

5. LEGAL DESCRIPTION OF PROPERTY IN QUESTION: *(Please note: An error in the legal description will result in your request being delayed at your expense)* _____

6. CURRENT ZONING OF PROPERTY: _____

7. CURRENT SPECIAL USE CLASSIFICATION OR CONDITIONAL USE DESIGNATION (IF ANY):

8. VARIANCE REQUESTED: *(Provide references to code from which variance is requested)*: _____

9. THE FOLLOWING ITEMS ARE NEEDED TO COMPLETE THIS APPLICATION FOR REVIEW:

- a. _____ Notarized Affidavit of Ownership, if applicable. This shall be signed and acknowledged by each and every owner of said lands.
- b. Notarized statement(s) (Form A) from all property owners listed on the warranty deed authorizing you to act on their behalf.
- c. _____ Affidavit for use of property.
- d. _____ A copy of the most recently recorded warranty deed.
- e. The complete legal description of the property typed on a separate sheet of paper if the warranty deed reflects property other than that for which the variance is being requested.
- f. _____ A current certified survey of the property in question showing all existing structures and proposed structures.
- g. Variance hardship worksheet
- h. _____ Ten (10) copies of the preliminary site plan prepared by a civil engineer or an architect registered in the State of Florida. The plans shall show location and dimensions of all structures, yards and open spaces; location and dimension of streets, parking areas and recreational areas; vicinity map showing contiguous areas and streets, including the means of ingress and egress to such areas and streets if such areas and streets are located within fifty (50) feet of the boundaries of the proposed site.
- i. _____ Ten (10) copies of the landscape plan.
- j. _____ Application Fee. A fee of \$598.00 for the first variance and \$182.00 for each additional variance on the same property which is part of the same application.
- k. _____ Preliminary site plan fee. In addition to the application fee, an applicant requesting approval shall be required to reimburse the Town the actual cost incurred by the Town for all advertising required incident to the application and all public hearings required to be held in connection with the application. When a fee is paid, there shall be no return or rebate of any fund so received, regardless of the Town's determination in the matter involved. The estimate for these costs are \$ _____. If the actual cost exceeds this estimate, the applicant is responsible to pay the extra cost before the final site plan is approved.

Town Staff will be glad to calculate your fee prior to submitting your application.

_____ I AM THE OWNER (Attach Affidavit of Ownership)

_____ I AM THE LEGAL REPRESENTATIVE OF THE OWNER (attach Authorization to Act as Applicant) of the property described which is the subject of matter of this application. Under penalties of perjury, I declare that I have read the foregoing application and that all the answers to the questions in said application and all sketches and data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief. I understand that by signing this document I am giving the Town or agent thereof the authority to duplicate, disseminate, and reproduce any and all items submitted as part of this request, whether copyrighted or not.

Please submit fee in CASH or CHECK drawn to the order of the Town of Grant-Valkaria.

DATE

SIGNATURE OF APPLICANT

SWORN TO AND SUBSCRIBED BEFORE ME this _____ day of _____, _____ by _____

(Applicant) who is personally known to me or has presented _____

_____ I. D. and did take an oath.

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

My commission expires:

Affidavit Evidencing Posting of
Request for Variance Notice on Property

STATE OF _____ COUNTY OF _____, TOWN OF _____

I, _____

being first duly sworn, depose and say that:

I am the owner and/or applicant of the subject property pertaining to Variance Request No.: _____ and that I attest and confirm that a copy of the attached Notice of Public Hearing before the Town of Grant-Valkaria **Planning and Zoning Board** has been posted on the subject property in such a manner as to be visible from the road right-of-way; and that this Notice was posted at least 15 days before the scheduled Public Hearing.

DATE

SIGNATURE OF APPLICANT

SWORN TO AND SUBSCRIBED BEFORE ME this _____ day of _____,

by _____ who is personally known to me or has presented
(Applicant)

_____ as identification and did take an oath.

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

My commission expires:

VARIANCE CHECKLIST FOR ZONING BOARD OF APPEALS

Prerequisites to granting of variance:

A variance may be granted when it will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Land Dev Reg. will result in unnecessary and undue hardship; provided, specifically, however, that personal medical reasons shall not be considered as grounds for establishing undue hardship sufficient to qualify an applicant for a variance. Economic reasons may be considered only in instances where a landowner cannot yield a reasonable use and/or reasonable return under the existing land development regulations.

In order to authorize any variance from the terms of this chapter, the Zoning Board of Appeals shall find all of the following factors to exist:

- That special conditions and circumstances exist which are not applicable to other lands, structures or buildings in the applicable zoning classification
- That the special conditions and circumstances do not result from the actions of the applicant
- That granting the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this chapter to other lands, buildings or structures in the identical zoning classification
- The literal interpretation of the provisions of this chapter would deprive the applicant of right commonly enjoyed by other properties in the identical zoning classification under the provisions of this chapter and will constitute unnecessary and undue hardship on the applicant
- That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure
- That the granting of the variance will be in harmony with the general intent and purpose of the chapter and that such use variance will not be injurious to the area involved or otherwise detrimental to the public welfare

In no case shall the Zoning Board of Appeals grant a variance which will result in a change of land use that would not be permitted in the applicable zoning classification.

In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this chapter and any ordinance enacted by the Town Council. The Zoning Board of Appeals may also, as a condition of approval require compliance with any site plan or other specifications submitted by the applicant when it has relied upon such site plan or specifications in granting the variance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of section 62.1254, Brevard County Code of Ordinances. Variance granted from a specific requirement of this chapter shall be in full force only as long as that specific requirement is in effect. Furthermore, the Zoning Board of Appeals may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both.

Affidavit Evidencing Posting of
Request for Variance Notice on Property

STATE OF _____ COUNTY OF _____, TOWN OF _____

I, _____

being first duly sworn, depose and say that:

I am the owner and/or applicant of the subject property pertaining to Variance Request No.: _____ and that I attest and confirm that a copy of the attached Notice of Public Hearing before the Town of Grant-Valkaria **Zoning Board of Appeals** has been posted on the subject property in such a manner as to be visible from the road right-of-way; and that this Notice was posted at least 15 days before the scheduled Public Hearing.

DATE

SIGNATURE OF APPLICANT

SWORN TO AND SUBSCRIBED BEFORE ME this _____ day of _____,

by _____ who is personally known to me or has presented
(Applicant)

_____ as identification and did take an oath.

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

My commission expires:

VARIANCE HARDSHIP WORKSHEET

Is the request due to a Code Enforcement action?

Yes. If Yes, indicate case number _____, and
name of contractor _____

No.

Prerequisites to granting of variance:

A variance may be granted when it will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary and undue hardship. The term "undue hardship" has a specific legal definition in this context and essentially means that without the requested variance, the applicant will have no reasonable use of the subject property under existing development regulations. Personal medical reasons shall not be considered as grounds for establishing undue hardship sufficient to qualify an applicant for a variance. Economic reasons may be considered only in instances where a landowner cannot yield a reasonable use and/or reasonable return under the existing land development regulations. You have the right to consult a private attorney for assistance.

In order to authorize any variance from the terms of this chapter, the Board of Adjustment shall find all of the following factors to exist:

(1) That special conditions and circumstances exist which are not applicable to other lands, structures or buildings in the applicable zoning classification:

(2) That the special conditions and circumstances do not result from the actions of the applicant:

(3) That granting the variance requested will not confer on the applicant any special privilege that is denied by the provisions of this chapter to other lands, buildings or structures in the identical zoning classification:

(4) That literal enforcement of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the identical zoning classification under the provisions of this chapter and will constitute unnecessary and undue hardship on the applicant:

(5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure:

(6) That the granting of the variance will be in harmony with the general intent and purpose of this chapter and that such use variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

I understand that all of the above conditions apply to the consideration of a variance and that each of these conditions have been discussed with me by the below-signed zoning representative. I am fully aware that it is my responsibility to prove complete compliance with the aforementioned criteria.

Signature of applicant _____

Signature of planner _____

Affidavit of Ownership

STATE OF _____ COUNTY OF _____, TOWN OF _____

I, _____

being first duly sworn, depose and say that:

I am the owner of the subject property pertaining to the attached variance request or if a corporation, I am the officer of the corporation authorized to act on this request.

DATE

SIGNATURE OF APPLICANT

SWORN TO AND SUBSCRIBED BEFORE ME this _____ day of _____,

by _____ who is personally known to me or has presented
(Applicant)

_____ as identification and did take an oath.

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

My commission expires:

FORM "A"
AUTHORIZATION TO ACT AS APPLICANT

I, _____ authorize _____

to act as applicant, representing me in Public Hearings before the Town of Grant-Valkaria pertaining to Land Use.

Signature

SWORN TO AND SUBSCRIBED BEFORE ME this _____ day of _____,

by _____ who is personally known to me or has presented
(Applicant)

_____ as identification and did take an oath.

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

My commission expires: