



Application for Variance Sufficiency Submittal Checklist Section 14.15.00

Purpose of Variances

Strict application of uniformly applicable Land Development Regulations (LDRs) can lead to unreasonable, unfair, and unintended results in particular instances. The Board of County Commissioners finds that it is appropriate in such cases to adopt a procedure to provide relief to persons subject to the LDRs. The Board of Adjustment (BOA) is authorized to grant variances to requirements of the LDRs consistent with the rules contained in these regulations. This section does not authorize the BOA to grant variances inconsistent with the Comprehensive Plan nor to grant a variance to permit uses not generally permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of the LDRs in the zoning district. In addition, the existence of nonconforming use of neighboring lands or unpermitted use of neighboring lands shall not be considered grounds for authorization of a variance.

Generally

Variances shall be granted when the person subject to the LDR demonstrates that the purpose of the LDR will be or has been achieved by other means, and when application of a LDR would create a substantial hardship or would violate principles of fairness. **"Substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. "Principles of fairness" are violated when the literal application of a LDR affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the LDR.** Variances may also be granted to allow for the reconstruction, rehabilitation, or restoration of structures listed on, or classified as contributing to a district listed on the National Register of Historic Places, Florida Master Site File or local surveys of historical resources. In such instance, variance shall be the minimum necessary to protect the historical integrity of the structure and its site.

Application

1. **Application Requirements** The applicant shall file with the County an application specifying the LDR(s) from which a variance is requested, the type of action requested, the specific facts that would justify a variance, and the reason why the variance would serve the purposes of the underlying LDR.
2. **Determination of Sufficient Application** All applications will be reviewed for sufficiency within fifteen (15) days. The applicant will be notified in writing whether the application has been found sufficient. Once deemed sufficient, the formal review process shall begin. If the application is not sufficient, a letter noting the deficiencies will be mailed to the applicant(s) and owner(s).

Submittal Requirements Checklist

- Application for variance
- Copy of tax receipt or property record card and the latest recorded warranty deed showing the current fee-simple title holders of the property (attach to application).
- Plot plan drawn to scale, showing the location and dimensions of all existing and proposed structures.
- If there are any wetlands on the property, storm water calculations may be required.
- Application Fees**
 - \$500.00** – Application filing fee
 - \$250.00** – Application amendment
 - \$50.00** – for each addition contiguous lot subject to the variance
 - \$0.44** – postage for each abutting property owner notification
 - Legal advertising fees to be calculated as follows:
\$35.00 + \$7.00 per line of legal describing the property.**
 - Water Resource Management Variance Request Fee - \$1,000** (industrial wastewater related)
 - Any requests for postponements** by applicant and/or representatives are subject to a postponement fee of \$100.00, which must be submitted at time letter of postponement is received.

- ❑ All fees are to be made payable to the Lake County Board of County Commissioners.
- ❑ In addition, a separate check in the amount of \$27.00 made payable to Neil Kelly, Clerk of Circuit Court, shall be submitted for recording of the variance.
Note: All fees are non-refundable.
- ❑ Any other information deemed necessary to establish compliance with this request shall also be submitted.
- ❑ You may pay with a debit or credit card, however, an additional fee equal to 1% of the transaction total will be added for the convenience of using a debit or credit card.
- ❑ For any further question or concerns please contact our office at phone: 352-343-9641 fax: 352-343-9767.

Procedures

- ❑ Applications shall be submitted to the Department of Growth Management no later than the first day of the month. Applications submitted in a timely manner shall be scheduled for a public hearing on the second Thursday of the following month before the Board of Adjustment. Affordable housing projects shall be granted a 15-day extension in the filing deadline.
- ❑ The County Manager or designee shall be entitled to inspect the property subject to the application at all reasonable times without specific notification to the applicant or to the property owner if different from the applicant.
- ❑ Upon receipt of the application, **the Department of Growth Management shall advertise the request for a public hearing accordingly:**
 - ❑ At least 15 days in advance of the public hearing and again seven days prior to the public hearing, a notice shall be published in a newspaper of general circulation in the County. Said notice shall state the date, time, location and nature of the matter to be considered at said hearing.
 - ❑ The owner(s) making application and the adjacent property owners of all property lying within 350 feet surrounding the outside perimeter of the subject property shall be notified by mail by the Department of the date, time and place of the hearing.
- ❑ **Sign Cards.** The County Manager or designee shall post a copy of the notice on the property subject to the application. The notice shall be located where the notice would be in the most conspicuous place to the passing public. In addition, the notice shall be posted on the public access roads and county road(s) closest to the property subject to the application.

If the requested variance is approved, the owner/applicant must contact the Zoning Division at 352/343-9641 for an appointment with the appropriate personnel to complete the requested variance application.



Application for Variance

Staff Planner Intl: _____
Date: _____
Filing Fee: _____

BOA Case No: _____

1. Applicant's Name: _____
Mailing Address: _____
City _____ State _____ Zip Code _____
Telephone Number: (_____) _____
E-Mail Address: _____
Status: Owner _____ Agent _____ Purchaser _____

2. Owner's Name: _____
Mailing Address: _____
City _____ State _____ Zip Code _____
Telephone Number: (_____) _____

3. What are you requesting a variance from: _____

4. Site address: _____

5. Detailed directions to site: _____

6. Area of property in: Sq. Ft./Acres (Circle One): _____

7. Affordable Housing Projects: Estimated value of structure(s) and land for each lot.
Structure(s): \$ _____ + land \$ _____ = \$ _____. If the combined value is equal to or less than 80% of the median price of a home in the Orlando MSA and/or at least 30% of the dwellings in each phase are affordable; the project qualifies for expedited review.

8. Has any previous application been filed within the last year in connection with this property?
Yes _____ No _____ if yes, please explain briefly:

9. Please attach or affix a copy of a warranty deed and tax receipt or current property record card (a property record card may be obtained at the property appraiser's office) describing the property for which this variance is being applied.

[Attach legal description]

10. What is the substantial hardship in meeting the specific code requirement:

11. The purpose of the Land Development Regulation will be or has been achieved by other means:

Please attach any additional information you believe would assist staff in their research.

ZONING DIVISION USE ONLY

Application # _____ Address Screen # _____

Existing Zoning: _____

Future Land Use Designation: _____

Applicant is requesting a Variance to the following sections of the Lake County
Development Regulations: _____

Section: _____ Township: _____ Range: _____

Planning Area: _____

Utility Area: _____

Utility Service Area: _____

Public Utilities: _____

Commission District: _____

OWNER'S AFFIDAVIT

STATE OF FLORIDA)

COUNTY OF LAKE)

BEFORE ME, the undersigned authority personally appeared _____, who being by me first duly sworn on oath, deposes and says:

- 1. That he/she is the fee-simple owner of the property legally described on page 1 of this application.
AND
- 2. That he/she desires a Variance to the Land Development Regulations, as amended, as outlined on Pages 1 & 2 for the reasons as stated therein; AND
- 3. That he/she has appointed _____ to act as agent in his/her behalf to accomplish the above.

(Owner's Signature)

**State of Florida
County of Lake**

The foregoing instrument was acknowledged before me this _____ day of _____, 20____. by _____, who is personally known to me or who has produced _____ as identification and who did ___ or did not _____ take an oath.

(Seal)

Notary Public (Signature)

My Commission Expires

NOTE:

All Applications shall be signed by the Owner(s) of the Property, or some person duly authorized by the Owner to sign. The authority authorizing such person other than the Owner to sign MUST be attached.

APPLICANT'S AFFIDAVIT

STATE OF FLORIDA)

COUNTY OF LAKE)

BEFORE ME, the undersigned authority personally appeared _____, who being by me first duly sworn on oath, deposes and says:

- 1. That he/she affirms and Certifies that he/she understands and will comply with all Ordinances, Regulations, and Provisions of Lake County, Florida, and that all statements, drawings and diagrams submitted herewith are true and accurate to the best of his/her knowledge and belief, and further, that this application and attachments shall become part of the Official records of Lake County, Florida, and are NOT RETURNABLE; AND

(APPLICANT'S SIGNATURE)

State of Florida
County of Lake

The foregoing instrument was acknowledged before me this _____ day of _____, 20____. by _____, who is personally known to me or who has produced _____ as identification and who did ___ or did not _____ take an oath.

(Seal)

Notary Public (Signature)

My Commission Expires

NOTE:

All Applications shall be signed by the Owner(s) of the Property, or some person duly authorized by the Owner to sign. The authority authorizing such person other than the Owner to sign MUST be attached.