

**CITY OF PORT ST. JOE
VARIANCE REQUEST APPLICATION**

Property Address: _____ Zoning: _____

Property Owner: _____ Phone: _____

Mailing Address: _____

Applicant if different: _____

Parcel Number: _____

Owners Signature

**Sworn to and subscribed before me this _____ day of _____. Personally Known
OR Produced Identification.**

Type Provided _____.

Signature of Notary Public

PUBLIC NOTICE

- 1. A sign will be posted for two weeks on the property seeking the variance and a notice will be published in the local newspaper.**

APPLICATION REQUIREMENTS:

Application Fee - \$300.00

Hardship Relief Request Letter (See Sec. 2.14 of the LDR)

Legal Description of Property

Copy of the Deed

Copy of the Survey

Site plan of the proposed improvements

Owner Signature

Date: _____

Applicant Signature

Date: _____

- b. Offstreet parking and loading areas where required, with particular attention to the items in subsection a. above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district;
 - c. Refuse and service areas, with particular reference to the items in subsection a. and b. above;
 - d. Utilities with reference to location, availability and compatibility;
 - e. Screening and buffering with reference to type, dimensions and character;
 - f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;
 - g. Required yards and other open space;
 - h. General compatibility with adjacent properties and other property in the district.
- (6) Any restrictions imposed as a condition of granting the special exception, such as limitations on size or square footage, including future expansions, shall be specified at the time the special exception is granted.

Sec. 2.14. Variances--Requirements and procedures.

A variance from the terms of these regulations shall not be granted by the planning and development review board unless and until the following requirements or procedures are met:

- (1) A written application for a variance (hardship relief) is submitted to the building inspector demonstrating that a hardship exists based on one of the following conditions:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure or buildings involved and which are not involved and which are not applicable to other lands, structures or buildings in the same district;
 - b. That literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations;
 - c. That the special conditions and circumstances do not result from the actions of the applicant; or
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures or buildings in the same district.
- (2) No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
- (3) Notice of public hearing shall be given in accordance with the provisions specified under "special exceptions" and a public hearing shall be held. Any

adjoining property owner, or any party whose substantial interest may be affected, may appear in person, or by agent, or attorney.

(4) The planning and development review board shall make a finding that the requirements regarding hardship relief have been met by the applicant for a variance, that the reasons set forth in the application justify the granting of the variance, and that variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

(5) The planning and development review board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

(6) In granting any variance, the planning and development review board may prescribe appropriate conditions and safeguards in conformity with this Code. 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 these regulations and punishable as provided by section 1-15 of the Port St. Joe Code of Ordinances.

(7) The planning and development review board shall prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the prescribed time limit shall render the variance null and void.

(8) Under no circumstances shall the planning and development review board grant a variance to allow a use not permissible under the terms of these regulations in the district involved, or any use expressly or by implication prohibited by the terms of these regulations in such district; however, as provided for in these regulations, the planning and development review board may make a "substantially similar use" determination upon request by the development approval authority.

Sec. 2.15. Appeals--Planning and development review board.

(a) Appeals to the planning and development review board concerning the interpretation or administration of these regulations may be taken by any person aggrieved or by any officer or bureau of the governing body of the city affected by any decision of the building inspector, technical advisory committee, or any administrative official or board. Appeals shall be taken with a reasonable time period, not to exceed 30 days, by filing with the building inspector a notice of appeal specifying the grounds thereof. The building inspector shall forthwith transmit to the planning and development review board all papers constituting the record upon which the action appealed from was taken.

(b) The planning and development review board shall fix a time, not to exceed 30 days from the date the appeal was filed, for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and render their decision at the hearing. At the hearing, any party may appear in person or by agent or attorney.

(c) An appeal stays all proceedings in furtherance of the action appealed from, unless the official from whom the appeal is taken, certifies to the planning and development review board, after notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. Such case proceedings shall not be stayed other than by a restraining order which may be granted by