



Application for Zoning Variance

Chapter 113 ZONING. Article II, Div. 4. Sec. 113-117 Authority:

(a) The board of adjustment may grant variances in specific cases to vary or alter the strict application of any of the requirements of this chapter, whereby such application of a particular requirement would result in a practical difficulty or an unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved.

(b) To obtain a variance the applicant must demonstrate to the board of adjustment that:

- (1) A practical difficulty or an unnecessary hardship is caused by the literal application and enforcement of the zoning code provision from which a variance is sought;
- (2) The granting of the variance will not authorize a use prohibited, or result in a use variance, in the district in which the property is located;
- (3) The preponderance of evidence presented at the variance hearing does not demonstrate that the granting of the variance will seriously impair the use of adjacent property, or significantly reduce the value of adjacent property, regardless of the zoning district in which the adjacent property is located;
- (4) The need for the variance is made necessary by the unique character of the property;
- (5) The need for the variance is not caused in any way by the owner or occupant of the property upon which the variance is sought;
- (6) That the request for a variance is not solely based on an economic disadvantage to the owner or occupant of the property upon which the variance is sought, because an economic disadvantage to an applicant does not constitute a hardship or practical difficulty sufficient to warrant the granting of a variance; and
- (7) That the request for a variance is not solely based on a need or desire of the owner or occupant of the property upon which the variance is sought to be obtained to gain an economic benefit, because an economic advantage to an applicant does not constitute a hardship or practical difficulty sufficient to warrant the granting of a variance.

(c) In determining whether to grant a variance the board of adjustment may consider the goals, objectives and policies of the comprehensive plan.

(d) In granting a variance, the board of adjustment may prescribe any conditions that it deems necessary or desirable in the furtherance of the purpose of this chapter.

(e) If a variance is granted with the effect being that a building permit is required, the building permit must be obtained within twenty-four (24) months of the approval date, after that time, the variance is void. If a permit is issued and that permit expires then the variance is also terminated, or expires, with the permit. (Ord. No. 11-13, 3, 7-27-11; Ord. No. 17-08, 2, 4/12/17) _____ applicant initial.

1. Applicant states that the property is located at:

Lot(s) _____ Block _____

Street Address _____

2. Applicant's contact information:

Name: _____ Phone: _____

Address: _____ Email: _____

3. Property Owner (If other than applicant): _____

Property Owner Address: _____

4. The relationship of the applicant to the property is:

OWNER: _____ ATTORNEY/AGENT*: _____ TENANT*: _____

*Owner authorization required.

5. The property is zoned (Circle one): R-1-A; R-1-B; R-2; R-3; R-P; C; C-1; C-2; SC; CH; T

6. The requested variance(s) is for the following non-conformities of the Indialantic Code:

Code Section	Explain Non-conformity (variance requested)
a. _____	_____

b. _____	_____

Attach additional pages as necessary

7. Current Property Survey and Site Plan for proposed variance are attached to this application
applicant initial

8. Site plans are the same as submitted to the Zoning Board, if applicable:
YES ___ NO ___ N/A _____

9. Describe the **Practical Difficulty** or **Unnecessary Hardship** which will be imposed if the variance is not granted
(see definitions, pg. 3). Attach additional pages as necessary:

Chapter 113 ZONING. Article I, Sec. 113-4 Definitions:

Practical difficulty.

In the case of a variance, a practical difficulty is a standard which is similar to but less rigorous than the unnecessary hardship standard. It is a non-self created characteristic of the property. The standard asks whether a literal enforcement of a zoning regulation will create a practical difficulty in the use of the parcel of land for the purpose or in the manner for which it is zoned. Some of the factors that may be considered in determining whether a practical difficulty exists include: (i) how substantial the variance is in relation to the requirement sought to be varied; (ii) whether a substantial change will be produced in the character of the neighborhood; (iii) whether the difficulty can be obviated by some method feasible for the applicant to pursue other than by a variance; and (iv) whether, in view of the manner in which the difficulty arose, the interest of justice will be served by allowing the variance. Finding that factors (i) (that the variance requested is not substantial); (ii) (that a substantial change in the character of the neighborhood will not occur if the variance is granted); (iii) (that the difficulty occurring can only be obviated by grant of the variance); and (iv) (that the interest of justice will be served by granting of the variance), are all factors in support of the variance.

Unnecessary hardship.

In the case of a variance, an unnecessary hardship is a standard which is similar to but much more rigorous than the practical difficulty standard. The unnecessary hardship standard is a very restrictive standard. It is a non-self created characteristic of the property in question which renders it virtually impossible to use the land for the purpose or in the manner for which it is zoned. The standard asks whether a literal enforcement of a zoning regulation will create an unnecessary hardship which makes it virtually impossible to use the land for the purpose for which it is zoned.

A nonrefundable fee of \$500.00 is required at the time the application is filed. Application does not guarantee variance will be granted.

I hereby agree to the payment of the fee as prescribed by the Indialantic Code of Ordinances. I hereby depose and say that all the above statements are true and correct to the best of my knowledge.

Signature of applicant _____ Date _____

The foregoing instrument was sworn to (or affirmed), subscribed, and acknowledged before me by means of physical presence or online notarization, this ____ day of _____, 20____, by _____, who is personally known to me or has produced _____ as identification.

NOTARY: _____ Commission expires: _____

FOR OFFICE USE ONLY

Application checked and accepted by Building Official: _____
Date _____

ACTION BY BOARD OF ADJUSTMENT:

Approved _____ Disapproved _____ Date _____

Board of Adjustment Chairman

Board of Adjustment Secretary

OWNER AUTHORIZATION

Date: _____

I, _____, owner of the following property:

Lot(s) _____ Block _____

_____, Indialantic, Florida, 32903

do hereby authorize _____ to apply for a variance to Indialantic

Code Section _____ as my:

Agent _____ Attorney _____ Tenant _____

Signature

Printed Name

State of Florida

_____ County

The foregoing Owner Authorization was acknowledged before me by means of [] physical presence or [] online notarization this _____ day of _____, 20 _____, by _____, who is personally known to me and/or who has produced _____, as identification.

Notary Public: _____

Notary Stamp: