

Return Completed Form To:
Eagle Lake Building Department
75 N 7th Street
Eagle Lake, FL 33839



Application No. _____

REQUEST FOR VARIANCE

Application Fee: \$300.00

Applicants: Please read all pages thoroughly prior to completing this form. Only complete applications with a copy of the survey, and a site plan will be considered for review. I understand the application fee is non-refundable.

Name of Petitioner: _____ Telephone: (____) _____

Address: _____
Street City State Zip

Legal Description of Property: _____

Property Address: _____
Street City State Zip

Description of Request: _____

Appeal from Section: _____

Signature of Applicant: _____ Date: _____

Signature of Property Owner: _____ Date: _____

Fee: \$_____ Paid On _____ Receipt Number _____

Legal Notice Published **Date:** _____ **Hearing Date:** _____

PLANNING AND ZONING ADMINISTRATOR:			
Approved/P&Z Administrator:	Yes	No	Signature: _____ Date: _____
PLANNING AND ZONING COMMISSION:			
Approved/P&Z Commission:	Yes	No	Date: _____

Reason for Denial (if necessary): _____

A variance is a modification of the zoning ordinance regulations when such variance will not be contrary to the public interest, and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. A variance is authorized only for height, area, size of structure or size of yards and open spaces, or other dimensional requirements. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall the variance be granted because of the presence of nonconformities in the zoning district or classification or in the adjoining zoning districts or classifications.

Criteria for Granting a Variance

- 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 district.
- B. Special conditions and circumstances do not result from the actions of the applicant.
- C. Granting the variance will not confer any special privilege on the applicant that is denied by this section to other lands, buildings, or structures in the same zoning district.
- D. The literal interpretation of the provisions of this section would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
- E. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- F. Granting the variance will be in harmony with the general intent and purpose of this section and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

A variance of the terms of the applicable provisions of the land development regulations shall not be granted by the planning commission unless and until the requirements and conditions listed below have been examined and met:

A variance of the terms of the applicable provisions of the land development regulations shall not be granted by the planning commission unless and until the requirements and conditions listed below have been examined and met:

1. A written application for a variance is submitted demonstrating:
 - A.** That 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 district;
 - B.** That the special conditions and circumstances do not result from the actions of the applicant;
 - C.** That granting the variance requested will not confer on the applicant any special privilege that is denied by the applicable provisions of the land development regulations to other lands, buildings, or structures in the same district;
 - D.** That literal interpretation of the applicable provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district, under the terms of the zoning and subdivision chapters of the land development regulations, and would work unnecessary and undue hardship on the applicant;
 - E.** 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 ground for the issuance of a variance.
2. Notice shall be given at least 15 days in advance of the public hearing. The owner of the property for which the variance is sought or his agent shall be notified of the public hearing by registered mail. Notice of such hearings shall be posted on the property for which a variance is sought, at the city hall, and in one other public place at least 15 days prior to the public hearing.
3. The public hearing shall be held. Any party may appear in person, or by agent, or by attorney.
4. The planning commission shall make findings that the requirements of section 6.3.1.20 above have been met by the applicant for a variance.
5. The planning commission shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. The planning commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of the applicable provisions of the land development regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare nor in conflict with the purpose and intent of the comprehensive plan.