SECTION 12.0 VARIANCE

(This section is NOT for a Variance from Marina Facilities, Flood Damage Protection or Wellfield Protection regulations – See specific Sections for each)

Section 12.01 Purpose

This section describes the process for a variance from the Unified Land Development Code (LDC) with the exception of regulations regarding marina facilities, flood protection, or wellfield protection. Requesting a variance is asking for relief from the provisions of the LDC when there are conditions peculiar to the property that creates undue construction or development hardships when complying with the LDC (i.e., setbacks, living area, and impervious surface ratio). A variance may not be requested for a use.

Section 12.02 Application Process

A. The Applicant shall submit a complete application package to the City. A meeting with City Staff is recommended for submittal of the application package.

B. Per subsection 2.05.04 of the LDC, the application package will undergo a completeness review by the City.

C. The City will schedule the application on the next available Planning and Land Development Regulation Board agenda for a public hearing upon satisfying the completeness review. The Planning and Land Development Regulation Board is the level of authority to authorize the issuance of a Variance Development Order. The issuance of an approval development order does not authorize the disturbance of any part of the subject property involved, but authorizes the filing of an application for another development order or building permit.

Section 12.03 Notification Requirement

Refer to subsection 2.05.03 and Table 2-2 of the LDC. The Applicant shall submit an affidavit to the City, on a form provided by the City, as a measure of compliance.
Variance

Variance Application

Staff Completeness Review

Staff Review

Sufficient Information Yes or No

NO

Staff Report

Applicant mails Certified Letters (abutting property owners 14 calendar days prior to hearing)

PLDRB Meeting

Approved

Approval Development Order

Denied

Denial Development Order
### A. PROJECT NAME:
_____________________________________________________________________________________

### B. LOCATION OF SUBJECT PROPERTY (PHYSICAL ADDRESS):
_____________________________________________________________________________________

### C. PROPERTY APPRAISER’S PARCEL NUMBER(s):
_____________________________________________________________________________________

### D. LEGAL DESCRIPTION: ________________________________________________________________

### E. SUBJECT PROPERTY ACRES / SQUARE FOOTAGE:
_____________________________________________________________________________________

### F. FUTURE LAND USE MAP DESIGNATION: __________________________ EXISTING ZONING DISTRICT: _________

OVERLAY DISTRICT: __________________________

### G. FLOOD ZONE: ___________ COMMUNITY PANEL NUMBER: __________________________ DATE: __________

### H. PRESENT USE OF PROPERTY: _______________________________________________________

### I. DESCRIPTION OF REQUEST / PROPOSED DEVELOPMENT (MAY ATTACH ADDITIONAL SHEETS):
_____________________________________________________________________________________

### J. PROPOSED NUMBER OF LOTS:
_____________________________________________________________________________________

### K. CHECK APPROPRIATE BOX FOR SITE PLAN:

- [ ] Tier 1 (up to 40,000 sq. ft. / 40 units)
- [ ] Tier 2 (up to 100,000 sq. ft. / 100 units)
- [ ] Tier 3 (exceeding 100,000 sq. ft. / 100 units)

### L. LIST BELOW ANY APPLICATIONS CURRENTLY UNDER REVIEW OR RECENTLY APPROVED ASSOCIATED WITH

THIS APPLICATION:
_____________________________________________________________________________________

### M. WATER/SEWER PROVIDER:
_____________________________________________________________________________________

### N. IS THERE AN EXISTING MORTGAGE?  

- [ ] Yes  
- [ ] No

General Application (sheet 1 of 2)
<table>
<thead>
<tr>
<th>Owner:</th>
<th>Applicant / Agent:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Name:</td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>Mailing Address:</td>
</tr>
<tr>
<td>Phone Number:</td>
<td>Phone Number:</td>
</tr>
<tr>
<td>E-mail Address:</td>
<td>E-mail Address:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mortgage holder:</th>
<th>Engineer or professional:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Name:</td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>Mailing Address:</td>
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<tr>
<td>Phone Number:</td>
<td>Phone Number:</td>
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<tr>
<td>E-mail Address:</td>
<td>E-mail Address:</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Planner:</th>
<th>Traffic engineer:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Name:</td>
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<tr>
<td>Mailing Address:</td>
<td>Mailing Address:</td>
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<tr>
<td>Phone Number:</td>
<td>Phone Number:</td>
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<tr>
<td>E-mail Address:</td>
<td>E-mail Address:</td>
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</table>

<table>
<thead>
<tr>
<th>Surveyor:</th>
<th>Landscape architect:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Name:</td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>Mailing Address:</td>
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<tr>
<td>Phone Number:</td>
<td>Phone Number:</td>
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<tr>
<td>E-mail Address:</td>
<td>E-mail Address:</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Attorney:</th>
<th>Developer or dockmaster:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name:</td>
<td>Name:</td>
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<tr>
<td>Mailing Address:</td>
<td>Mailing Address:</td>
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<td>Phone Number:</td>
<td>Phone Number:</td>
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<td>E-mail Address:</td>
<td>E-mail Address:</td>
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</tbody>
</table>

I HEREBY CERTIFY THAT ALL INFORMATION ON THIS APPLICATION IS CORRECT:
Signature of owner OR person authorized to represent this application

Signature(s) _____________________________________________     __________________________________________
Printed or typed name(s): _________________________________      _________________________________________

NOTARY: This instrument was acknowledged before me on this ______ day of __________________, 20_____ by
_____________________________________________ who is/are personally known to me, or who has/have produced
________________________________________________ as identification.    (SEAL)

________________________________________________________
Signature of Notary Public, State of Florida
The following checklist is a tool to facilitate compliance for the submittal package. Place a check in each symbol below to indicate that the item has been addressed. As indicated in the above key legend, an item with a square indicates the item is mandatory, while the triangle indicates it may or may not be applicable. If applicable, then the item is mandatory.

At a minimum, the documents listed below are required to process a request for a variance. This checklist must be completed by the Applicant and included in the application submittal package in order for the application to be accepted. If a required document is not provided then a statement justifying the action is to be submitted, which will be taken into consideration.

It is recommended to schedule an appointment for submittal of the application package by contacting a Land Development Technician at (386) 986-3736. Applications received by 3 p.m. on application deadline to be scheduled for the corresponding Planning and Land Development Regulation Board meeting date. Be advised that it is the Applicant’s responsibility to send a notice via certified mail to each abutting property owner as outlined in subsection 2.05.03 of the Unified Land Development Code (LDC).

- **A.** Completed application form filed by property owner or property owner’s representative (refer to subsection 2.05.04.A of the LDC).
  1. Application notarized

- **B.** For an owner’s representative, submit letter of authorization.

- **C.** Title Opinion
  1. Prepared by an attorney at law licensed to practice in Florida or a certification by an abstractor or a title company.
  2. Shows that record title to the land as described and shown on the survey is in the name of the person, persons, corporation, or entity wanting the division.
  3. List all mortgages not satisfied or released of record nor otherwise terminated by law.
  4. List all encumbrances (i.e. easements, etc.) on the subject property.
  5. Current (within six (6) months of the date of application submittal).

- **D.** Current survey:
  1. Prepared by a registered land surveyor licensed to practice in the State of Florida.
  2. Completed with the benefit of the current title opinion with a statement that it is current.
  3. Contains the legal description and total acreage of the subject property.
  4. Surveyor’s certificate of accuracy.
  5. All existing on-site or adjacent easements, including drainage, electricity, gas, water, wastewater, or other pipeline or utility easements.
  6. All existing on-site improvements, including buildings, structures, drainage facilities, or other utilities.
  7. Specific soil types and their limitations for planned use.
  8. All wetlands.
  9. Flood Insurance Rate Map (FIRM) information: community panel number, date, and flood zone(s). Flood zone boundary shall be depicted.
  10. Streets adjacent to the tract, including rights-of-ways and pavement widths.
E. Scaled plan depicting the following and any other information pertinent to the application:
   1. Property boundaries
   2. Streets
   3. Easements
   4. Location, dimensions, and setback dimensions of all existing and proposed structures
   5. Intended use
   6. Submit plan on paper no smaller than 11" by 17".

F. Cover letter addressed to “Members of the Planning and Land Development Regulation Board” that provides factual, relevant information as to the Applicant’s position and provides justification for the request.
   1. Each variance request must provide sufficient data to show compliance with the individual criteria of that particular use. See subsection 2.12.03.A of the LDC.

G. List of names, mailing addresses, parcel identification numbers, and radius map(s) of all abutting property owners. Property ownership information should be obtained from the Flagler County Property Appraiser’s Office. (Abutting property means any property that is immediately contiguous to or immediately across any road or public rights-of-way from the property subject to such hearing).

H. Optional exhibits, such as photographs, letters of support from neighboring property owners, or other information intended to support the Applicant’s position, may be submitted.

I. Nonrefundable filing fee: $200 (payable to ‘City of Palm Coast’).
Dear Planning Manager,

I / We, ____________________________________________________________ ____________________________________________________________

(All property owners)
being the current property owner(s) of the property legally described as Parcel Number(s) ____________________________________________________________ ____________________________________________________________

and also described as Subdivision ____________________________________________________________ Section___________, Block ____________, Lot ____________, OR

__________________________________________________________________________________

Street Address or Physical Location:

__________________________________________________________________________________

Do hereby designate and authorize ____________________________________________________________

(name of agent / applicant) representing ____________________________________________________________

(Individual or Corporate Name)

to sign on my/our behalf, as my/our agent to submit an application for a ____________________________________________________________

(type of application)

for the property described above.

__________________________  ____________________________
Signature of property owner     Signature of property owner

__________________________  ____________________________
Print name       Print name

NOTARY: This instrument was acknowledged before me on this _____ day of ________________,
20____ by ______________________________________________ who is/are personally known to me, or
who has/have produced ______________________________________________ as identification.

(SEAL)

________________________________________________________
Signature of Notary Public, State of Florida
AFFIDAVIT OF CORPORATE IDENTITY / AUTHORITY

STATE OF ________________

COUNTY OF ________________

COMES NOW, _______________________________________________, being first duly sworn, who deposes and says:

(1) That he/she is the _______________________, an officer of ____________________________________________ corporation existing under the laws of the State of ____________________________.

(2) That he/she is authorized to execute the following deeds or instruments on behalf of the above named corporation: ___________________________________________ relating to the following described real property:

(3) That this affidavit is made to induce the City of Palm Coast to accept the above described property.

Signature of owner OR person authorized to represent this application

____________________________________  ___________________________________
Signature        Signature

____________________________________  ___________________________________
Print name       Print name

NOTARY: This instrument was acknowledged before me on this _____ day of ________________, 20___ by ____________________________________________ who is/are personally known to me, or who has/have produced ________________________________ as identification.

(SEAL)

________________________________________________________
Signature of Notary Public, State of Florida
JOINDER AND CONSENT AFFIDAVIT

JOINDER AND CONSENT BY __________________________________________
Name of Lending Institution / Mortgage Holder

COME NOW, __________________________________ and Joins and Consents to the
covenants and conditions set forth herein and hereunto sets his hand and seal this ___ day
of _____________________, 20___.

ATTEST:     _____________________________________
Name of Lending Institution
_____________________________  _________________________________
Corporate Secretary    Corporate President
______________________________ _________________________________
Printed Name     Printed Name

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this _____ day of ______________, 20___, by
_______________________________________________, who is/are personally known to me or who
has produced ________________ as identification and who did execute said
instrument for the purpose therein expressed.

WITNESS my hand and official seal the day month and year aforesaid.

NOTARY PUBLIC   (SEAL)

______________________________________________________
NOTARY PUBLIC SIGNATURE

October 1, 2009 (Revised 4-9-2010) VII-140
NOTIFICATION AFFIDAVIT for VARIANCE / SPECIAL EXCEPTION

COUNTY OF FLAGLER  X
STATE OF FLORIDA  X

Before me this ___ day of ______________, 20____ personally appeared
_____________________________________________________________ who after providing
_____________________________________________________________ as identification and
who _____did, ___did not take an oath, and who being duly sworn, deposes and says as follows:

“I have read and fully understand the provisions of this instrument.”

1. Each abutting property owner (as defined in the Unified Land Development Code) of the
boundary lines of Application # ____________, has been mailed a letter by certified mail at least
fourteen (14) calendar days before the hearing date notifying them of the date, time, and place
of the ____________, Planning & Land Development Regulation Board (PLDRB) hearing; and

2. No other documentation was provided in the envelope with the notification letter.

_________________________________________
Signature of Responsible Party

_________________________________________
Printed Name

_________________________________________
Mailing Address

_________________________________________
Signature of Person Taking Acknowledgement

SEAL

Name of Acknowledger (Typed, Printed or Stamped)

This document, once executed, must be returned to a Land Development Technician in the City
of Palm Coast Community Development Department at least seven (7) days prior to the hearing
date. Failure to provide document by that time will result in the application not being placed on
the agenda for a public hearing.