



## 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.

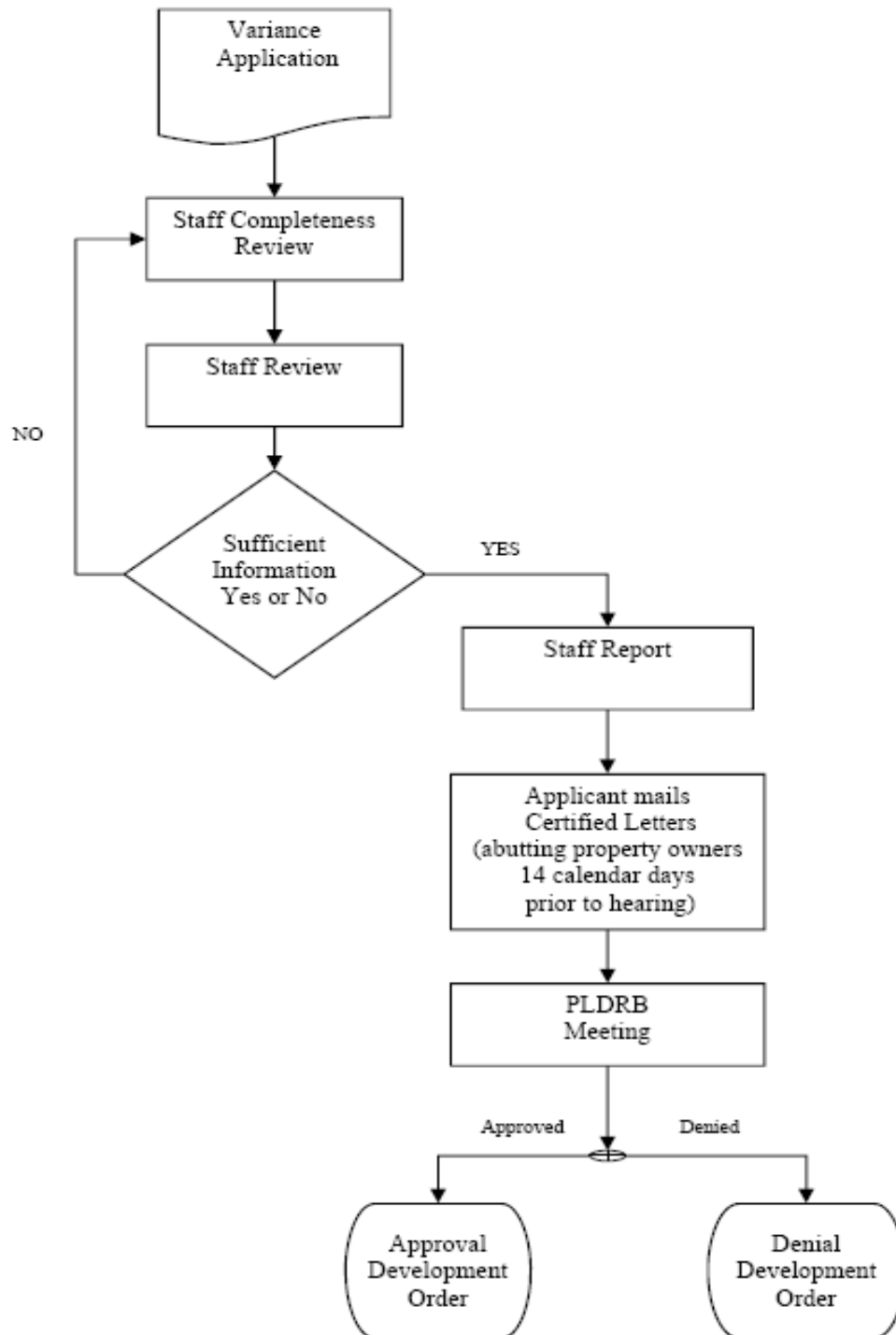
### Section 12.02 Application Process

- 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





**GENERAL APPLICATION:** ☐ Rezoning ☐ Special Exception  
☐ Nonstatutory Land Division/Parcel Reconfiguration ☐ Vacating Plat  
☐ Subdivision Master Plan ☐ Preliminary Plat ☐ Final Plat  
☐ Master Site Plan ☐ Nonresidential Controlling Master Site Plan  
☐ Technical Site Plan ☐ Site Plan Addition ☐ Development Order Modification  
☐ Variance ☐ Parking Flexibility  
☐ Wireless Communication Facility (new structure)

CD Plus Application #: \_\_\_\_\_ Application Submittal Date: \_\_\_\_\_  
Fee Paid: \$ \_\_\_\_\_ Date of Acceptance: \_\_\_\_\_  
Employee Name Accepting Application (print name): \_\_\_\_\_  
Rejected on \_\_\_\_\_ Rejected by: \_\_\_\_\_  
Reason for Rejection: \_\_\_\_\_

A. PROJECT NAME: \_\_\_\_\_

B. LOCATION OF SUBJECT PROPERTY (PHYSICAL ADDRESS): \_\_\_\_\_  
\_\_\_\_\_

C. PROPERTY APPRAISER'S PARCEL NUMBER(s): \_\_\_\_\_  
\_\_\_\_\_

D. LEGAL DESCRIPTION: \_\_\_\_\_ Subdivision Name; \_\_\_\_\_ Section; \_\_\_\_\_ Block; \_\_\_\_\_ Lot  
\_\_\_\_\_  
\_\_\_\_\_

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

**OWNER:**

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

**APPLICANT / AGENT:****MORTGAGE HOLDER:**

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

**ENGINEER OR PROFESSIONAL:****PLANNER:**

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

**TRAFFIC ENGINEER:****SURVEYOR:**

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

**LANDSCAPE ARCHITECT:****ATTORNEY:**

Name:	Name:
Mailing Address:	Mailing Address:
Phone Number:	Phone Number:
E-mail Address:	E-mail Address:

**DEVELOPER OR DOCKMASTER:**

**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

General Application (sheet 2 of 2)



**VARIANCE  
APPLICATION SUBMITTAL CHECKLIST  
(Excludes Marinas, Floodplain, & Wellfields)**

☐ = Mandatory    ☐ = As applicable    ☐ = sub items

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').



Property Owner Letter of Authorization

\*\*\*\*\*IF APPLICANT IS NOT THE PROPERTY OWNER\*\*\*\*\*

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

\_\_\_\_\_

Print name

\_\_\_\_\_

Signature of property owner

\_\_\_\_\_

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  
\_\_\_\_\_  
Print name

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
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



**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.**