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VARIANCE APPLICATION

This application must be completed and returned to the Planning & Community Development Department with all the required exhibits. A Citizen's Growth Management and Planning Bill of Rights meeting is required prior to submitting an application. Applications should address each of the standards contained in Section 1500 Variance Procedures of the Gadsden County Land Development Code (LDC).

Name of project or subdivision: _____

Parcel Identification Number: _____

1. OWNER OF PROPERTY: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE: _____ FAX: _____

E-MAIL ADDRESS: _____

2. APPLICANT (If other than owner): _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE: _____ FAX: _____

E-MAIL ADDRESS: _____

3. If Owner cannot attend the meetings or public hearings please list the name of a Representative who will make the presentation, answer questions, or make decisions for the Owner or Applicant.

REPRESENTATIVE NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE: () _____ FAX: () _____

E-MAIL ADDRESS: _____

4. Size of area covered by application (acreage must agree w/legal and survey): _____

5. Location of Property: _____

6. Future Land Use Category: _____ Existing Use of Property: _____

7. Variance Request (Provide the specific Code Cite for each variance requested) :

8. At the public hearing and with this application, you must demonstrate in writing all of the following in order to secure a variance (See Section 1500. Variance Procedures). Provide a narrative describing the proposed

variance and the basis for the request as related to each of the standards listed in Subsection 1501.B and E along with all support documentation including a site plan:

9. The following items are required to complete this application and MUST be attached:
 - (a) Hearing fee of \$300.00 per parcel of land (cash, check or money order drawn to the order of Gadsden County Board of County Commissioners (BOCC)).
 - (b) Plat or survey, to scale, (certified by surveyor or engineer with maximum size of 8-1/2" x 14") of the subject property for which the variance is requested and a scanned .pdf of the entire application and drawings.
 - (c) Drawing, to scale, showing the proposed variance (maximum size of 8-1/2" x 14").
 - (d) Power of Attorney from the owner of the subject property if the applicant is not the owner.
 - (e) Citizen's Bill of Rights verification: Copy of notice, meeting sign in sheet, receipt for mailed notices, summary of meeting.
 - (f) Proof of Ownership (Tax Assessor's Statement is preferred or a Copy of a Deed). Whichever is chosen to be used as proof of ownership, the complete legal description must be included.
Written basis for Variance addressing how the variance is needed to allow reasonable use of the property on which the variance is sought and the standards located in Section 1500 of the LDC.
 - (g)

IF DRAWINGS ARE OVERSIZED (LARGER THAN 8 -1/2" X 14"), THIRTY-ONE (31) COPIES MUST BE SUBMITTED AND PROPERLY FOLDED AFTER STAFF REVIEWS PLANS.
NO MONIES OR APPLICATIONS WILL BE ACCEPTED BY MAIL

I understand my application can be acted upon by the Planning Commission and Board of County Commissioners even in my absence.

_____ I AM THE OWNER

_____ I AM THE LEGAL REPRESENTATIVE OF THE OWNER (Attach Authorization to Represent) of the property described which is the subject matter of this application.

I have read said application and can attest that all sketches, data and matter attached to and made a part of said application are honest and true to the best of my knowledge and belief. I understand that by signing this document, I am giving the County or agent thereof the authority to duplicate, disseminate and reproduce any and all items submitted as part of this request, whether copyrighted or not. I understand that if I wish to appeal any determination of the Board of County Commissioners, a verbatim transcript of the record and copies of all the evidence presented will be required and that it is my responsibility to make arrangements for the preparation of that verbatim record at my expense.

SIGNATURE OF APPLICANT

DATE

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____ who is personally known to me, or has produced _____ as identification and who did (did not) take an oath.

Signature of Notary

SEAL:

Print Name

SECTION 1500. VARIANCE PROCEDURES. The purpose of this section is to provide a method for relief for conditions where literal application of the provisions of this Code would inflict a specific hardship to a particular property or site that is uncommon to other properties in Gadsden County, due to the natural conditions of the site. Under these provisions, only an area variance may be granted to the bulk regulations of this Code. An area variance is defined as:

- A. Regulatory controls such as lot size, floor area ratio, lot coverage (also known as impervious surface), open space, and yard setbacks that deal with the placement of a septic tank system, structure or structures on a site and/or the building envelope. The height of a structure is excluded as part of this definition.

However, in no instance shall a variance to the requirements of this Code be issued within any designated floodway if the result is an increase in flood levels within the floodway.

Subsection 1501. Variance Relief Procedures. So long as any issued variance will not be contrary to the public interest, the following procedures shall outline the process for consideration of a variance from a requirement of this Code.

- A. A property owner of the land, or their authorized agent, may apply for a variance from the requirements of this Code. Variance requests must be submitted on forms or applications provided by the Planning Division, and must accompany any applicable fees prior to consideration.
- B. It is the burden of the applicant to demonstrate that a variance is needed to allow reasonable use of the property on which the variance is sought. The applicant must address each standard of review, as listed in this subsection.
- C. The Planning Official, or their designee, shall review the variance application and provide a staff report to be submitted to the Planning Commission. The application must be submitted to the Planning Official at least thirty (30) days prior to hearing at the Planning Commission.
- D. Variance requests shall be considered a quasi-judicial procedure, and such hearing and notice requirements are outlined in Subsection 1304 of this Code.

E. The Planning Official, or their designee, shall prepare the staff report with an analysis of the standards of review. The standards of review for issuance of a variance are as follows:

1. Special conditions and circumstances exist which are peculiar to the land and which are not applicable to other land in the same land use category.
2. The special conditions and circumstances that exist do not result from the actions of the applicant or a self-imposed hardship, nor could the condition or circumstances be corrected or avoided by the applicant. As such, the issuance of the variance shall not confer on the petitioner the grant of a special privilege.
3. The relief granted is the minimum degree of relief necessary to make possible the reasonable use of the land in compliance with all other applicable regulations.
4. Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same area or land use category under the terms of this Code or would render the enforcement of this Code impractical.
5. The grant of the relief will not violate the general intent and purpose of this Code nor the goals, objectives, or policies of the Comprehensive Plan.
6. The issuance of any variance will not create unsafe conditions nor other detriments to the public health, safety or welfare beyond the normal effects of development otherwise allowed.
7. The issuance of any variance will not alter the essential character of the area surrounding the site.

- F. The burden of proof for the above standards shall be upon the applicant. The variance request must meet all seven standards, as listed above, in order for a grant of relief from this Code.
- G. The Planning Commission may recommend, and the Board of County Commissioners may impose reasonable conditions and/or limitation on variance approvals.
- H. The Board of County Commissioners shall approve or deny the variance request, or approve the request with reasonable conditions, at a regularly scheduled public hearing.

Subsection 1502. Variance Exceptions. In conjunction with the vesting rights in Policy 1.3.5 of the Comprehensive Plan, the requirement to obtain a variance is waived for the placement of on-site sewage treatment systems on parcels that allow for residential use and were created prior to November 26, 1991 so long as the on-site sewage treatment system setback standards are met to the greatest extent possible.

(Ord. # 2015-012, 10-15-15)



AUTHORIZATION TO REPRESENT

If the applicant is not the property owner an 'Authorization to Represent' is required.

This letter serves as notice that on this date: _____, 20_____

I/We, _____
(Print name of property owner(s) and/or entity & authorized representative)

Hereby give authorization to,

(Print name of authorized representative or entity. Print the name of all individuals representing the entity)

Telephone number

E-mail Address

To apply for an _____
application(s) and all necessary permits as part of the Gadsden County, Florida review process from the Gadsden County Building & Planning & Department for the property described below:

(Parcel identification number)

(E911 address)

(Signature of property owner or entity & representative)

(Print name of property owner and/or entity)

State of Florida
County of Gadsden

The foregoing instrument was acknowledged before me this __ day of _____, 20____
by _____ who is personally known to me/or has produced
_____ as identification and did not take an oath.

Notary Signature

Notary Seal

Notary Name Printed



Citizen's Growth Management & Planning Bill Of Rights

Submittal Requirements Check List

Applicants are responsible for Public Hearing Notice & Advertisements

The following items must be addressed and written verification provided with applications requiring Planning Commission review and Board of County Commission Approval Subsection 7001.1 of the Land Development Code as adopted by Ordinance #2010-05:

Check List

1. ____ Date of the Citizens Bill of Rights (CBR) meeting (within 90 days of application).
2. ____ Copy of the CBR Mailing List to Property Owners within 0.50 of a mile from the subject parcels
3. ____ Copy of receipt for mailing receipt verifying the date & number of pieces mailed.
4. ____ Copy of legal advertisement from the closest local newspaper:, Gadsden County Times (Quincy), and the Herald (Havana and Chattahoochee editions).
 1. Gadsden County Times - advertising@gadsdencotimes.com
 2. The Herald – mail@prioritynews.net
5. The advertisement should include the following information:
 - i. A title. For example, "You are invited to attend a Public Meeting to discuss (development name & description) as required by the Gadsden County Growth Management and Planning Bill of Rights."
 - ii. A location map indicating the subject property and properties within a 0.50 radius or greater sufficient so that the location can be identified.
 - iii. The date, time, place of the meeting
6. ____ Copy of Sign-up Sheet with the Name, Address & Phone numbers of attendees
7. ____ A summary of the meeting that identifies issues raised and/or discussed and whether they were resolved or not; and, how the plans incorporated and/or resolved the issues.

Signature Owner or Authorized Representative

Date