



CITY OF CASSELBERRY COMMUNITY DEVELOPMENT

VARIANCE APPLICATION

ULDR: Section 1-2.7

Phone: (407) 262-7700

Fax: (407) 262-7763

95 Triplet Lake Drive, Casselberry, FL 32707

www.casselberry.org

- I **PRE APPLICATION:** A pre-application conference with a planner is required before an application will be accepted. If you require additional information concerning application procedures, or need to schedule an appointment for a pre-application conference, please contact the Community Development Department.
Conference Date: _____ Staff Signature: _____

II **VARIANCE APPLICATION CHECKLIST:**

- Notarized letter of authorization from the property owner, if the applicant is not the owner.
- Site Plan or Survey that indicates the property lines and dimensions, existing structures and dimensions, and highlighting the area pertaining to the variance request.
- Mailing labels with owners names and addresses for properties within 300' of residential properties or 500' of commercial properties. *These labels can be obtained from the Seminole County Property Appraiser's office.*
- Advertising and Notification Charges: \$200.00** (*additional costs will be billed to you if advertising/notification costs exceed \$200.00*)
- Application fee: Residential - \$75.00 or Commercial - \$250.00**

III **APPLICATION:**

NOTE: Any additional information needs to be provided to staff prior to the Planning and Zoning Commission meeting in order to provide the Commission sufficient time to review the information.

1. **Physical Address:** _____
Parcel I.D. #: ___/___/___/___/___/___
Parcel Size (acres): _____ **Building Size:** _____ **Structure Size (if applicable):** _____
Subdivision: _____
Current Zoning: _____
Current Use: _____
Future Land Use: _____
Proposed Use: _____
2. **Variance Sought:** _____
Dimensions requested: _____
Dimensions required by the Unified Land Development Regulations: _____

Section of the City's Unified Land Development Regulations (ULDR) code from which the variance is being sought: _____

Reason variance is being sought: _____

Additional information for consideration: _____

2. Applicant/Agent Name: (Print) _____
Address: _____ Phone # _____
_____ FAX # _____
_____ E-Mail address: _____

3. Current Owner: (Print) _____
Address: _____ Phone # _____
_____ FAX # _____
_____ E-Mail address: _____

Notarized letter of Authorization attached if owner is not the applicant

This application is to apply to the CITY OF CASSELBERRY, FLORIDA, for development review as outlined. The applicant and all pertinent parties should understand that staff does not make final determinations for a project and that it is not reasonable for any expenditures to be made in reliance upon any statements made by staff. The applicant and all pertinent parties should understand that official action is made by final vote of the public board (Planning and Zoning Commission, or City Commission depending on type of project) and that the City Commission may take a different position at the second public hearing. Accordingly, the applicant and all pertinent parties should understand that until there is a final vote of the public board, it is not reasonable for any expenditures to be made in reliance upon any vote of the public board which does not constitute the final vote. The signature of the applicant below acknowledges that the applicant has read and understands this statement:

Signature: _____

Note: the APPLICANT has the burden of proof on each of these. Please provide answers in the blank spaces or on a separate piece of paper.

1) Special Conditions and Circumstances exist which are peculiar to the land/building involved, and not applicable to other land/buildings in the same zoning district.

- Acceptable: size, shape, grade, a deep ravine running through the property, erosion.
- Unacceptable: traffic common to the neighborhood, crime common to the neighborhood, soil deficiencies common to the neighborhood.

2) **The Special Conditions and Circumstances are NOT created by the applicant.** Self created hardships cannot constitute the basis for a variance, so look to see if the applicant:

- Purchased with knowledge of the problem;
- Purchased with knowledge of the Code restrictions;
- Improvements made with knowledge of the Code;
- Everyone has a duty to look at the Code before building
- If it's a contractor's mistake, then it is very difficult – if owners good faith is apparent and the error is harmless, can grant. If the error is intentional, do not grant.
- If the applicant proves that the property is completely undevelopable in a manner consistent with the zoning unless the variance is granted, this is usually sufficient. This is not the same as an applicant who requests a variance to build a particular structure that doesn't meet the Code requirements.

3) **Special privileges should not be conferred.**

- The Code requirements must be equally applied to all applicants.
- Ask: Is this property different from other properties in the same zoning district so that the variance is warranted?
- Determine if the property is unique.

4) **Hardship conditions exist** that deprive the applicant of rights enjoyed by other properties – **must** be more than mere inconvenience and:

- Not just an economic disadvantage
- Unique physical conditions – irregular shaped parcel
- If hardship is not unique to the particular property, then the remedy is for the City Commission to rezone
- Hardship must relate to the land and not to the owner
- Poor health of the owner is not sufficient

5) **Only minimum variance granted** – the goal is to bring the level of benefit to the property up to that of surrounding properties, but no to exceed it.

6) **Not injurious to the public welfare.**

- Not Acceptable-interferes with traffic flow, creates traffic congestion or other safety problems.

***Existing non-conforming uses of other property is NOT a basis for approval.**

- Even the fact that the BOA has previously granted variances to other property owners under similar circumstances does not necessarily constitute grounds upon which the present applicant may rely.
- Need not allow the property owner the highest and best use of the property – just so property can be put to a **reasonable** use.

GENERAL POINTS

- The decision must be based upon **competent, substantial evidence** presented at the hearing;
- There must be evidence as to each essential element of the Code;
- The decision can't be based upon the opinion of lay persons, except as to matters of common knowledge such as aesthetics;
- Disclosure of ex parte communications is essential –including discussions with the applicant, any member of the public and site visits;
- The variance runs with the land, so the variance is related to the property and not to the owner;

PLANNING AND ZONING COMMISSION		
Deadlines		
Advertised Items*	Non-Advertised Items	Meeting Date**
12/9/15	12/23/15	1/13/2016
1/6/16	1/20/16	2/10/2016
2/3/16	2/17/16	3/9/16
3/9/16	3/23/16	4/13/16
4/6/16	4/20/16	5/11/16
5/4/16	5/18/16	6/8/16
6/8/16	6/22/16	7/13/16
7/6/16	7/20/16	8/10/16
8/10/16	8/24/16	9/14/16
9/7/16	9/21/16	10/12/16
10/5/16	10/19/16	11/9/16
11/9/16	11/23/16	12/14/16
12/7/16	12/21/16	1/11/17
1/4/17	1/18/17	2/8/17

This calendar provides a general timeframe for scheduling development applications on the Planning and Zoning Commission agenda. Meetings occur the second Wednesday of each month. Meetings may be scheduled for the fourth Wednesday of the month on an as-needed basis. This schedule may be altered due to the number and types of projects to be reviewed or staff availability.

*Legal Ads are due to the Orlando Sentinel three weeks prior to the intended meeting date.

**The final draft of staff reports are due one week prior to the meeting date. All paperwork to be included in the staff report is required at least two weeks prior to the anticipated meeting date.

Dates are subject to change.