



SANTA ROSA COUNTY DEVELOPMENT SERVICES – Planning & Zoning

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6051 Old Bagdad Highway, Suite 202 | Milton, Florida 32583

Variance Application

Instructions:

Complete application, and submit along with the following, at least thirty (30) business days prior to the next regularly scheduled meeting of the Zoning Board (ZB) *Your application is not deemed complete until all required information is received.*

1. Application fee of \$500.00 plus \$0.58 for each letter to be addressed to all property owners within a 150' radius of the property lines, unless otherwise indicated below. **Exact fee amounts are determined upon application submittal to avoid excess fees that may result from duplicate mailing labels. Therefore, please do not calculate your fee until Planning and Zoning Staff has verified the correct amount due. Checks should be made payable to Santa Rosa County; creditcard payments are subject to a 3.5% service fee.**
 - a. If the request is for a structure greater than 35' in height, or for any type of borrow pit, then notification range is 500' radius from the boundary of the subject property; **or**
 - b. If the proposed use is for any type of disposal facility, the notification range is 1,000' from the boundary of the subject property; **or**
 - c. If the subject property is located in the Rural Protection Zone, as identified by the Rural Development Plan, **and** the structure is less than 35' in height, the notification range is 500' from the boundary of the subject property; **or**
 - d. If the subject property is located in the Rural Protection Zone, as identified by the Rural Development Plan, **and** the structure is greater than 35' in height, the notification range is 1,500' from the boundary of the subject property.
2. A copy of the conceptual site plan (plot plan or site layout) drawn to scale showing the property lines, dimensions, structures – existing and proposed – abutting streets, and any other pertinent information. Under certain circumstances a survey or wetlands determination may be necessary; staff can assist in making this determination.
3. The following information from the **Property Appraiser's Office** – located at 6495 Caroline Street, Suite K, in Milton. (850-983-1880) *It is suggested that the PAO is notified of your application submittal at least one (1) week in advance to ensure you receive the requested documents by the posted application deadline date.*
 - a. A certified list all of the surrounding property owners' names and addresses within 150' radius of the applicant's property for the requested action. *(See above for notification specifications)*
 - b. A parcel map of the proposed site identifying the selected property owners within the indicated radius of the applicant's property for the requested action.
 - c. Two (2) sets of mailing labels for all of the surrounding property owners' names and addresses within the indicated radius, to be obtained from official tax records.
4. Proof of ownership of the property of the requested action. *(If the applicant is other than the property owner, provide a notarized authorization from the property owner. If the property is under contract for sale, and the applicant is the buyer of the property, a copy of the sales agreement will suffice. Our intention is to ensure that proper authorization has been granted for this request.)*
5. Mailing labels required as part of the applications will only be held in the Planning and Zoning Department for six (6) months without the accompanying application.

9.04.00 VARIANCES

9.04.01 Generally

The Zoning Board may authorize a Variance from the site and building design or development standards set forth in the LDC (except where expressly prohibited) where the Board has determined that the requirements of this subsection have been met.

To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to public interest. Where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done. Such special conditions shall be limited to exceptional physical characteristics inherent in the specific piece of property such as exceptional narrowness, shallowness, shape, adverse topographic conditions as would result in peculiar and practical difficulties. Any variance shall not be contrary to the public interest and when owing to conditions peculiar to the property and not of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardships. A variance can be authorized for any provision within the Land Development Code which does not impair the intent of the zoning ordinance, zoning district map, and/or amend the Comprehensive Plan. Variances shall not be authorized for such provisions as minimum lot size, maximum density, permitted and/or conditional uses, distance of vendors selling liquor, beer or wine for on premise consumption from a church or school, road frontage (except where permitted by Special Exception or as specifically provided below), and other similar provisions.

9.04.02 Procedure

A. Applications

1. An application for a Variance shall include the submittals required in Chapter 11.
2. The application for a Variance shall include a statement explaining how the Variance request conforms to the requirements listed in section 9.04.03.

B. Review of Applications

An application for a Variance shall be reviewed pursuant to the applicable procedures set forth in Chapter 10.

9.04.03 Required Findings

A. In order for an application for a Variance to be approved or approved with conditions, the Zoning Board may make a positive finding, based on the evidence submitted, with regard to each of the following provisions:

1. The need for the proposed Variance is due to the physical shape, configuration or topographical conditions of the lot in such a manner as to distinguish it from other adjacent or nearby lots.
2. The proposed Variance is necessary to preserve a substantial property right where such property right is generally available to other property owners of adjacent or nearby lots.
3. The proposed Variance will not substantially increase congestion on surrounding streets, will not increase the danger of fire or other hazard and will not otherwise be detrimental to the health, safety or welfare of the public.
4. The variance will not impair the intent of the zoning ordinance or zoning district map.
5. To permit the reduction of parking or loading requirements whenever the character or use of a building is such as to render unnecessary the full provision of parking or loading facilities as specified herein or whenever the strict enforcement of such provision would impose an unreasonable hardship as contrasted with merely granting an advantage or convenience.

Additionally, variances from access management connection standards may be granted where the effect of the variance would be to enhance the safety or operation of the roadway.

6. There is a specific hardship affecting the development of the lot resulting from the strict application of the provisions of the LDC.
7. The hardship is not a result of actions of the owner and is not based solely on the desire to reduce development costs.
8. The proposed Variance will be compatible with adjacent and nearby development and will not alter the essential character of the area.

9. The effect of the proposed Variance is consistent with the Comprehensive Plan.
 10. The variance will provide an economic benefit to Santa Rosa County as demonstrated by the stakeholder.
- B. The applicant for a variance has the burden of proof of demonstrating that the application for a Variance complies with each of the requirements of section 9.04.03.A.

General Procedures 11.04.00

11.04.00 GENERAL PROCEDURES

11.04.01 Determination of Completeness and Consistence with Regulations

- A. The Planning and Zoning Department shall provide notice via mail or electronic mail to the applicant within thirty (30) days (except as provided below) of receipt of an application stating that the application is complete and that the proposed action complies with the applicable provisions of the Comprehensive Plan and LDC or stating with specificity any deficiencies which if cured, would make the application properly completed and in compliance with applicable regulations. Failure to timely provide such notices shall not be deemed an acknowledgement of completeness and consistency with applicable regulations.
- B. The applicant shall have forty-five (45) days from the date of each notice to correct the deficiencies. Until the applicant corrects the deficiencies, the Departments will take no further action for processing the application. If the applicant fails to correct the deficiencies within the forty-five (45) day period, the application shall be deemed withdrawn.
- C. Plans submitted in response to a notice specifying deficiencies shall be processed according to 10.05.01(A). The applicant shall then respond to any further notice by the Departments according to 10.05.01(B).
- D. The Planning and Zoning Department shall process the application for review and action in accordance with the procedures applicable to that type of application as established.

Consideration by the Zoning Board 11.05.03

11.05.03 Consideration by the Zoning Board

- A. Special Exceptions and Variances – In considering all proposed variations to this ordinance, the Board shall, before making any finding in a specific case, first determine that the proposed variance or special exception will not constitute any change in the districts shown on the zoning map and will not impair an adequate supply of light and air to adjacent property, or materially increase the congestion in public streets, or increase public danger of fire safety, or materially diminish or impair established property values within the surrounding area, or in any respect impair the public health, safety, morals and general welfare of Santa Rosa County. All approved variances and special exceptions shall be developed and maintained as approved by the Zoning Board or Board of County Commissioners as applicable. Failure to do so shall constitute a violation of this ordinance.
- D. Additional Considerations and Requirements in Review of Coastal Setback Variance Request (Protective Shoreline Structures)
1. Explanation of Need - Protective shoreline structures water-ward of the setback line shall not receive a variance unless the applicant demonstrates to the Board's satisfaction that the subject property is critically imperiled due to the imminent probability of the projected wave up-rush predicted in the study by the University of Florida Coastal and Oceanographic Engineering Department, endorsed by the Florida Department of Environmental Protection (DEP) pursuant to Florida Statutes 161.053, or as amended.

The applicant shall present a description of the exceptional physical conditions of the property and other special conditions which render compliance with the construction setback line a demonstratable hardship. The applicant shall submit scaled drawings showing the location of upland and adjacent structures, mean high water line, and the construction setback line referenced to DEP monuments if applicable.

2. Impact on Shoreline Preservation and Stability of Adjacent Property - Before applications for a Department of Environmental Protection (DEP) permit, the applicant shall prove to the Board's satisfaction that the location, alignment and general design of the structure shall not reasonably impair shoreline stability and shall minimize the erosive tendency of hardened shoreline structures.

The applicant shall provide a design concept prepared by an engineer registered in the State of Florida with experience in shoreline erosion problems and solutions. The said engineer shall certify that the location, alignment and design of the

structure shall minimize adverse impacts to the shoreline system and adjacent properties; and that the location and alignment of the structure shall be as far landward as possible to provide maximum opportunity for natural dissipation of energy arising from wave uprush. An approved DEP permit or detailed engineering including design or revetment to dissipate energy; methods of anchoring and tie-in, and other structural features shall be examined by the County Zoning Board as part of site plan review if variance requests are being considered.

3. Sub-grade Revetments; Sand and Vegetative Cover; and Sand Replenishment - The Board shall require where reasonable and practical the use of sub-graded revetments, sand cover and vegetative cover over all shoreline structures together with a sand replenishment program to maximize natural dissipation of energy from wave up-rush, decrease scour and generally minimize erosive tendencies of hardened structures. All sub-graded structures shall be required.

4. Removal of Structures - Any shoreline protective structure approved by the Board for a variance and subsequently constructed shall be displaced and removed if either the subject structure or the primary protected upland structure is destroyed or damaged to an extent greater than fifty percent (50%) and variance for reconstruction of the same is not subsequently granted water-ward of the setback line by both the Board and the State of Florida Department of Environmental Protection.

Modifications, Continuances and Withdrawals of Pending Applications 11.07.00

11.07.00 MODIFICATIONS, CONTINUANCES AND WITHDRAWAL OF PENDING APPLICATIONS

11.07.01 Modification to Pending Applications

An applicant shall submit any proposed modification to an application to the Building and Planning and Zoning Department.

11.07.02 Request for Continuance of Public Hearing

A. An applicant may request, in writing, a continuance of the public hearing.

B. If the Planning and Zoning Department receives the written request for a continuance at least fifteen (15) days prior to the public hearing at which the application is scheduled to be heard, the applicant's request for a continuance will be automatically granted. An applicant is not entitled to more than two (2) automatic continuances.

C. If the Planning and Zoning Department receives the written request for a continuance less than fifteen (15) days prior to the public hearing at which the application is scheduled to be heard, the applicant is not entitled to an automatic continuance. The decision-making entity will consider the request for a continuance and shall only grant such request upon a demonstration by the applicant of good cause for a continuance.

11.07.03 Withdrawal of Pending Applications

A. An applicant may withdraw an application at any time prior to issuance of a Development Order. The applicant shall provide written notice of the withdrawal to the Planning and Zoning Department.

B. If the Planning and Zoning Department receives an applicant's written notice of withdrawal less than seven (7) days prior to the public hearing at which the application is scheduled to be heard, the applicant shall be precluded from refiling the same or substantially same application for the subject property for a period of six (6) months.

C. If an application is withdrawn, fees and costs may not be refunded nor credited to any subsequent application dependent on timing of notification, advertising and staff time allocation".



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Variance Application

** For Official Use Only **			
Application No.	_____ - V - _____	Date Received:	_____
Review Fee:	\$ _____	Receipt No.:	_____
Zoning District:	_____	FLUM Designation:	_____

Property Owner Information

Property Owner: _____

Address: _____

Phone: _____ Email: _____

Applicant Information

Check here and skip this section if the applicant is the Property Owner. Otherwise, complete this section and provide authorization from the Property Owner giving the Applicant the authority to pursue variance approvals.

Property Owner: _____

Address: _____

Phone: _____ Email: _____

Property Information

Parcel Number(s): _____

-OR-

Street Address of Property for which the Variance is being requested:

Parcel Size (in Acres): _____

Home Owner's Association Information:

Is the subject site governed by a Home Owner's Association? Yes No

If YES, please provide the contact information for the Home Owner's Association (mailing address and/or email address)

Also, if yes, please provide a letter of support from the Home Owner's Association.

Variance Request

What is the present use of the property? _____

Please describe the requested variance – including exact dimensions and purpose of the request.

Please describe the special circumstances or conditions that apply to the building or land in question which necessitate the variance request:

Are the special circumstances or conditions described above the result of a proposed or prior action of the applicant?

Yes No

Please explain why the literal enforcement of the provisions of the Land Development Code (Pg. 2) will result in unnecessary

Hardship: _____

Do you have any Code Enforcement Violation which pertains to this Variance Request?

Yes No

Certification and Authorization

I understand that all decisions made by the Zoning Board are subject to appeal and that their decision does not become effective until the appeal time has successfully passed. Yes No

I understand that the approval by the Zoning Board does not authorize construction and/or land clearing to occur on this site and that additional approvals and Building permits may be required. Yes No

I understand that decisions made by the Zoning Board are valid for 48 months. Yes No

By my signature hereto, I do hereby certify that the information contained in this application and the required supplemental materials is true and correct, and understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application. I do hereby authorize County staff to enter upon my property at any reasonable time for purposes of site inspection. I do hereby authorize the placement of a public notice sign(s) on my property at a location(s) to be determined by the County staff. If applicable, I do hereby authorize the Agent shown as the applicant on this application to act on my behalf in all matters pertaining to this rezoning application.

Applicant Name (Type or Print)

Applicant Signature

Title (if applicable)

Date