

AVOID DELAY – AN INCOMPLETE APPLICATION WILL NOT BE ACCEPTED

CITY OF AVON PARK
110 E. Main St., Avon Park, FL 33825

ZONING BOARD OF ADJUSTMENTS VARIANCE APPLICATION

For office use only:

Date: _____

Fee: ___ \$125 Single Family Residential ___ \$250 Multi-Family and Commercial
(Plus cost of Public Notice)

Date of Hearing Advertised: _____ **Receipt No.:** _____

Date Set for Public Hearing: _____

Minimum Submission Requirements:

_____ (10 Sets of) A site plan drawn to scale showing all setbacks, any pertinent information related to the request, exact location of existing and proposed structures, and location map. Please place a North marker on the plan and map.

_____ Copies of all other permits or copies of applications for those permits, if applicable to request.

_____ For Special Exception – Certified letters from adjoining property owners.

_____ List of all property owners and their mailing addresses within three hundred (300) feet of subject property. (Can obtain from Property Appraiser's office)

_____ Hardship explanation provided. (*This is mandatory*)

Application Fee

Applicant: _____

Mailing Address: _____

Telephone numbers: work _____ **home:** _____

E-mail address: _____

Requested action:

_____ A Special Exception (see table 2.04.01(A) in Land Development Regulations)

_____ A Variance Request for: ___ Min. Lot Size; ___ Min. Lot Width ___ Min. Floor Area; ___ Front Setback, ___ Rear Setback, ___ Side Setback; ___ Max. Lot Coverage, or ___ Max. Building Height

Explanation of Request: (Explain in detail the request and the hardship, other than economic or personal. Attach additional information if necessary. See information that is supplied with this form)

Description of the Subject Property:

Located at: _____ Lot Size: _____
(Street number location)

Legal Description: Block _____ Subdivision or Plat: _____

Present Use: _____ Present Zoning Class: _____
Present Structures (Type) and Improvements Upon the Land _____

Has any previous application or appeal been filed within the last year in connection with these premises? _____ Yes _____ No. If Yes, briefly state the nature of the application or appeal.

What is the Applicant's interest in the premises affected? _____

(Owner, Agent, Lessee, etc.)

What is the approximate cost of the work involved? _____

(I) (We) understand that this petition becomes a part of the permanent record of the Board of Adjustments. (I) (We) hereby certify that the above statement and the statements or showings made in any paper or plans submitted herewith are true to the best of (my) (our) knowledge and belief.

(Signature of Owner)

(Owner's Agent)

The Owner has hereby designated the above signed person to act as his/her agent in regard to this petition. (To be executed when owner designates another to act on his/her behalf).

STATE OF FLORIDA:

The contents of this petition are sworn and subscribed before me this _____ day of _____, _____, who are personally known to me or produced _____ as identification.

Signature of Notary Public: _____

Printed Name: _____

Commission Number: _____

Commission Expiration: _____

7.11.00 Variances

Any person, firm or corporation owning property in the City of Avon Park may apply for a variance from specific provisions of this Code, excepting those relating to permitted land uses, concurrency and consistency with the Comprehensive Plan. Variances shall be granted only by the Board of Adjustment in a public hearing that has been advertised in accordance with Section 8.06.00 of this Code. Variances granted by the Board shall be the minimum necessary to provide a reasonable use of the property and may be approved subject to time limits or any other conditions that the Board deems appropriate.

7.11.01 Criteria for Granting a Variance

The granting of a variance shall be based on a determination by the Board of Adjustment that the request will not be contrary to the public interest and the intent of this Code, and that strict enforcement of the regulation in question would create an undue and unnecessary hardship for the applicant. Considerations of health, convenience or economics shall not be considered as justification for a variance. Approval of a variance shall be based solely on the following criteria, all of which must be fully satisfied:

- (A) Special conditions and circumstances exist that are peculiar to the land or structure involved and that are not applicable to other lands or structures in the same land use classification.
- (B) The special conditions and circumstances do not result from the actions of the applicant.
- (C) The requested variance, if approved, will not confer on the applicant any special privilege that is denied by the provisions of this Code to other lands or structures in the same land use classification.
- (D) Literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the identical land use classification and will constitute an unnecessary and undue hardship on the applicant.
- (E) That the variance granted is the *minimum* variance that will make possible a reasonable use of the land or structure.
- (F) That the granting of the variance will be in harmony with the general intent of this Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

For each variance granted, the Board of Adjustment shall approve, and the chairman shall sign, a resolution listing the above criteria and attesting that each has been satisfied.

7.12.00 Nonconformities

Nonconformities are land uses, structures, lots and other elements of development that do not conform to the provisions of this Code but were created in accordance with those land development regulations (if any) in effect at the time of their establishment. Subject to the provisions listed below, nonconformities may continue to exist if otherwise lawful and in existence on the date of adoption of this Code. The casual, intermittent, temporary or illegal use of land or structures prior to the effective date of this Code shall not qualify such use or structure for the privileges outlined in this Section.

7.12.01 Nonconforming Uses

Nonconforming uses shall not be:

- (A) Enlarged, increased or expanded to occupy a greater land or floor area than at the effective date of this Code or amendment to the Code, whichever date created the nonconformity.
- (B) Enlarged or intensified through the erection of any additional structure or use that is not permitted under the provisions of this Code.
- (C) Re-established if destroyed or if use is discontinued for 90 consecutive days.
- (D) Moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of this Code.

Nonconforming uses of land where no principal structure exists, other than Agriculture, shall be discontinued within two (2) years of the adoption of this Code or amendment thereto, whichever date rendered the use nonconforming.

7.12.02 Nonconforming Lots of Record

Lots not meeting the standards established in this Code for minimum width, depth and area but recorded in the public records of Highlands County prior to the date of adoption of this Code or amendment thereto may be used for building purposes with the following provisions:

- (A) Single family dwelling units shall not be built on lots of less than 50 feet in width and 5,000 square feet in size without a variance authorized by the Board of Adjustment.
- (B) All other structures shall be built on lots of no less than 60 feet in width and 6,000 square feet in size without a variance authorized by the Board of Adjustment.

- (C) Contiguous lots that are of single ownership, and do not separately meet width, depth and area requirements of the applicable land use classification, shall be considered a single lot for development purposes.
- (D) Nonconforming lots of record shall not be reduced in size, width or depth without a variance authorized by the Board of Adjustment.
- (E) All development permitted on nonconforming lots of record shall be subject to normal setbacks and all other requirements of this Code.

7.12.03 Nonconforming Structures

Structures qualifying as nonconforming shall not be:

- (A) Moved in whole or in part, if nonconforming by use, to another location on the same parcel or lot that it occupies.
- (B) Transported to any other parcel of land unless such transport would render the structure conforming to all applicable provisions of this Code.
- (C) Enlarged or expanded in any manner, unless such enlargement reduces the degree of nonconformity and is carried out in accordance with the provisions of this Code.
- (D) Rebuilt, repaired or renovated in excess of 50 percent of the assessed value of the structure, as determined by the Highlands County Property Appraiser.

Structures that are nonconforming by size, but not by use, may be enlarged if the addition will reduce a nonconformity of floor area and will meet required setbacks. Structures that are nonconforming by setback, but not by use, may be enlarged if all new construction meets required setbacks.

7.12.04 Nonconforming Mobile Home Parks

Existing mobile home parks that are nonconforming by use shall not be redesigned, expanded in area, or modified to accommodate additional mobile homes. Replacement of existing mobile homes in such parks shall be prohibited.

Mobile home parks that are nonconforming by design only may be expanded in area and/or modified so as to reduce or eliminate those aspects of design that render it nonconforming. The Development Director may authorize additional mobile home sites in such parks upon submission of a site development plan showing a redesign of the park that substantiates the following:

- (A) Overall density of the park will not exceed the allowable density established in the Comprehensive Plan and the appropriate section of this Code.
- (B) An area comprising 20 percent of the development site or 5 acres, whichever is less, shall be set aside as common open space as defined in Article 9.
- (C) No new mobile home will be placed within 20 feet of any property line.
- (D) Where possible, all development standards of the zoning district have been met, or the degree of nonconformity reduced. In no case shall the degree of nonconformity of any design aspect be increased.

A redesign proposal that does not include the addition of new mobile home spaces shall not be subject to conditions A and B above.

7.12.05 Nonconforming Mobile Homes

The replacement of an existing mobile home on property that is not designated for mobile home use on the Official Zoning Map shall be prohibited.

[RESERVED]