

BOARD OF COUNTY COMMISSIONERS OF SARASOTA COUNTY, FLORIDA
APPLICATION FOR VARIANCE FROM THE
LAND DEVELOPMENT REGULATIONS
Chapter 74 of the Sarasota County Code, Ordinance 2002-026

PROJECT #: _____

PROJECT NAME: _____

APPLICANT'S NAME AND ADDRESS: _____

APPLICANT'S TELEPHONE NO.: _____

APPLICANT'S EMAIL: _____

LAND DEVELOPMENT REGULATION REQUIREMENT FROM WHICH
VARIANCE IS BEING REQUESTED:

REASON FOR VARIANCE REQUEST:

INSTRUCTIONS:

Complete form and include an 8½" x 11" plan showing the area of the proposed variance and submit with appropriate fee and Surety (if required) to Land Development Services, 1001 Sarasota Center Blvd, Sarasota, Florida 34240.

Fees payable to the Board of County Commissioners (Non-refundable):

Administrative Variance \$515.00 **OR**
Board of County Commissioners \$1,215.00 (plus all required advertising costs)

(\$15 Records Fee included in fee amount for all new applications.)

APPLICANT'S SIGNATURE

FOR OFFICE USE ONLY

PETITION NO.: _____ **CHECK NO.:** _____

ARTICLE IV. VARIANCES AND MODIFICATIONS

Sec. 74-91. Variances.

(a) *Procedures.* The Board may grant a variance from the terms of these regulations when such variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in unnecessary hardship on the land. Such variance shall not be granted if it has the effect of nullifying the intent and purpose of these regulations. Furthermore, such variance shall not be granted by the Board unless and until:

(1) A written application for a variance shall be submitted to the appropriate department in three copies together with a processing fee as required in Section 74-121, "Schedule of Fees and Charges" (check made payable to the Board of County Commissioners) and demonstrating:

- a. That special conditions and circumstances exist which are peculiar to the land, structures, or required improvements involved;
- b. That a literal interpretation of the provisions of these regulations would deprive the applicant of reasonable use of his property;
- c. That the special conditions and circumstances do not result from the actions of the applicant;
- d. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures, or required improvements under similar conditions. No pre-existing conditions on neighboring lands, which are contrary to these regulations, shall be considered grounds for the issuance of a variance;
- e. That, with respect to a right-of-way or improvement requirement, such requirement does not bear a reasonable relationship or rational nexus between the need for additional capital facilities and the demands generated by the development along with other development within the area.

(2) *Public hearing.* A public hearing shall be held by the Board of County Commissioners. Any party may appear personally or by agent or attorney. The staff report on the petition shall be presented prior to the close of the public hearing on the petition. The petitioner shall have the right, prior to the close of the public hearing, to cross-examine persons presenting testimony, to respond to any contentions presented by any testimony or other evidence presented during the public hearing, and to respond to the staff report, after receipt of which the hearing shall be concluded, unless the hearing is continued and the matter is referred back to staff for further consideration of such matters as the Board of County Commissioners may direct. If referred back to staff, the matter shall be given the next available agenda position. All testimony submitted during the public hearing shall be under oath or affirmation.

(3) *Notice of public hearing.* Notice of public hearing shall be given at least fifteen (15) days in advance of the public hearing. The owner of the property for which the variance is sought or his agent or attorney designated by him on his

petition shall be notified by mail. Notice of the public hearing shall be advertised in a newspaper of general circulation in the County at least one (1) time at least fifteen (15) days prior to the public hearing.

(4) Approval by the Board of County Commissioners. The Board shall consider the variance during a regularly scheduled meeting and said variance shall be listed as a public hearing item. A variance may be considered separately, or at the same time the preliminary subdivision plan or Site and Development Plan is being considered. The Board shall find that the requirements of this article have been met. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with these regulations. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations.